

GENERAL ELECTION NOVEMBER 7, 2006



CANDIDATE FILING GUIDE

**COMPILED BY:
SAN DIEGO COUNTY REGISTRAR OF VOTERS**

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TABLE OF CONTENTS

Introduction to the Election Guide.....	3
Public Review Period.....	4
“Must Know” Items for November 2006	5
Election Violations – Who to Call	6
Calendar of Events	9
Qualifications	13
Incompatibility of Offices.....	16
Offices to Appear on the Ballot	
School Districts.....	17
Special Districts	22
Nomination Process	32
Documents Issued	33
Code of Fair Campaign Practices	34
Ballot Designation	
Candidate’s Name	36
Ballot (Occupational) Designation	37
Candidate’s Statement of Qualifications	
Guidelines and Word Count	45
Example	47
San Diego Unified.....	48
State Senate and State Assembly – Guidelines and Cost.....	49
County Counsel Summary of Court Opinion.....	50
“Dean” Court Opinion – Reference to Opponent Not Permitted	51
“Hammond/Agran” Court Opinion – Clarification of “Qualifications”	53
Independent Candidates	
Qualifications.....	60
Petition in Lieu of Filing Fee	61
Run-off Elections	
Explanation.....	63
Candidates	64
Write-in Candidates	66
Campaign Services Seminar	67
Absentee/Mail Ballot Voting.....	68
Registration and Election Data	69
Financial and Campaign Disclosure	70
What/Where to file	
Workshop	
Explanation of Forms	
Campaign Disclosure Schedule.....	76
Miscellaneous Information	77
Sample Ballot/State Pamphlet Mailing	
Voter Registration Deadline	
Electioneering at Registrar of Voters Office	
Candidate’s Polling Place and Employment	
Argument/Rebuttal Signers	
Election Day Activities	
Election Night Activities	
Election Results/Official Canvass	
Political Ads and Mass Mailing	78
Simulated Ballots	79
Policy I-1 – Planning and Sponsor Group Policies and Procedures	80
Sign Regulations	
State	91
County	94
Incorporated Cities.....	100

NOTES

COUNTY OF SAN DIEGO – REGISTRAR OF VOTERS

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Office Hours: 8 a.m. to 5 p.m.; Monday through Friday (excluding holidays)

INTRODUCTION TO THE ELECTION GUIDE

This purpose of this pamphlet is to assist candidates in preparing for the election on November 7, 2006. This guide summarizes the major provisions related to candidates running for office in San Diego County. Candidates, political committees, and anyone interested in elective office may contact the Registrar of Voters for more detailed information.

The Registrar of Voters will conduct two campaign services seminars on Monday, August 21, 2006. Candidates and campaign representatives may wish to attend. (See Page 67 for details.)

The State Fair Political Practices Commission (FPPC) will conduct workshops on state and local campaign disclosure requirements in San Diego County on August 15 and 16. For more details, see Page 72.

For further information or more detailed explanations, please call the numbers listed below:

Section	Telephone Number
Candidate Filing.....	858-694-3405
Financial and Campaign Disclosure	858-694-3407

The following cities within San Diego County will also consolidate their regularly scheduled elections with the General Election. For information and filing requirements for offices in those cities, please contact each City Clerk at the following numbers:

City	Telephone Number	City	Telephone Number
Carlsbad	760-434-2808	La Mesa.....	619-667-1120
Chula Vista	619-691-5041	National City	619-336-4228
Coronado.....	619-522-7320	Oceanside	760-435-3000
Del Mar	858-755-9313	Poway.....	858-679-4237
El Cajon.....	619-441-1764	San Marcos	760-744-4020 x3105
Encinitas.....	760-633-2601	Santee	619-258-4100
Escondido.....	760-839-4617	Solana Beach	858-720-2400
Imperial Beach.....	619-423-8301	Vista	760-726-1340 x1062

NOTICE

No duty is imposed upon the Registrar of Voters to determine whether a candidate meets the requirements for holding office. The Declaration of Candidacy that each candidate must sign states that the candidate meets the statutory and/or constitutional qualifications for office including, but not limited to, citizenship, residency, and party affiliation, if required.

IMPORTANT NOTICE

**Public Review Period Set
FOR THE
November 7, 2006
GENERAL ELECTION**

State law provides for a “public review period” of all candidates’ ballot occupational designations, candidates’ statements of qualifications, ballot measure analysis, arguments, rebuttals and other materials before printing the Sample Ballot and Voter Information Pamphlet.

The California Elections Code further defines this review period, with a distinct period for each document filed with the Registrar of Voters.

During this period, any voter who believes any portion of these materials to be false, misleading or inconsistent with state law may seek a writ of mandate or injunction requiring any or all of the material to be amended or deleted.

These periods are as follows:

Ballot Occupational Designations

August 2 to August 11	Local candidates in a “run-off” election – due by August 1 (Candidates for these offices, please contact the Secretary of State for details: U.S. Senate, Congress, Statewide Offices, State Senate, State Assembly.)
August 14 to August 23:	Candidates filed by August 11
August 17 to August 28:	Candidates filed by August 16 (during the 5-day extension)

Candidates’ Statements of Qualifications for *Local Offices

August 14 to August 23:	Statements filed by August 11
August 17 to August 28:	Statements filed by August 16 (during the 5-day extension)

County Counsel’s Impartial Analysis of Local Propositions

August 22 to August 31	Analysis due by August 21
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Ballot Arguments “in Favor of” or “Against” Local Propositions

August 24 to September 5	Arguments due by August 23
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Rebuttals to Ballot Arguments “in Favor of” or “Against” local propositions

September 1 to September 11	Rebuttals due by August 31
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- * The following offices should contact the Secretary of State for deadlines:
U.S. Senate, Congress, Statewide Offices, State Senate, State Assembly,
and Board of Equalization

NOTE:

**The dates for any of the incorporated/charter cities may be different.
Please contact each City Clerk for details.**

All documents will be available for public review
at the Registrar of Voters Office during regular business hours.

“MUST KNOW” ITEMS FOR THE NOVEMBER 7, 2006 GENERAL ELECTION

- ✓ **REGISTRAR’S CAMPAIGN SERVICES SEMINAR**
Learn what products and services are available from the Registrar of Voters for your campaign. The seminar will be held on Monday, August 21, 2006 (at 9 a.m. and again at 6 p.m.) a few doors east of the Registrar of Voters Office in the County Planning Department chambers. See Page 67.
- ✓ **FPPC/CAMPAIGN DISCLOSURE WORKSHOP**
The Fair Political Practices Commission (FPPC) will conduct two seminars in San Diego County on state and local campaign disclosure requirements (August 15 and 16). This is a great opportunity for candidates and treasurers to learn the basics and ask questions of the experts. See Page 72.
- ✓ **STATEMENT OF QUALIFICATIONS FOR STATE OFFICES AND STATE LEGISLATIVE CANDIDATES**
Candidates for Statewide offices (Governor, etc.), State Senate and State Assembly are allowed to submit a Statement of Qualifications, **IF** the provisions of Prop 34 are met. Candidates must agree to: 1) voluntary expenditure limits, 2) format restrictions, and 3) pay for the statement. See Page 49.
- ✓ **W-9 (IRS FORM) - REQUEST FOR TAXPAYER ID NUMBER AND CERTIFICATION**
This is a **NEW** requirement for the County of San Diego. Any candidate who will receive a refund from the Registrar of Voters must file this form. See Page 33. The refund could be for either:
 1. a filing fee for “Independent” candidates (after the validity of signatures in lieu is determined);
 2. a statement of qualifications submitted and paid for; and then later not printed in the sample ballot.
- ✓ **DAILY CANDIDATE LIST AVAILABLE “ON-LINE”**
A list of candidates that have taken out and/or filed nomination documents with the San Diego County Registrar of Voters for offices appearing on the November 7, 2006, General Election ballot will be updated daily and posted on the Registrar’s website. Beginning approximately July 18, this list will be available late-morning each day and will contain information through 5:00 p.m. the previous business day. Candidates for the various city offices throughout the county will be added to the list on August 21. A certified list from the Secretary of State for all offices throughout the state will be available approx. the first week of September.
- ✓ **SPANISH, FILIPINO & VIETNAMESE TRANSLATION**
All sample ballot pamphlet text is translated into Spanish, Filipino and Vietnamese. In addition to receiving an English sample ballot pamphlet, registered voters may also request a pamphlet in Spanish, Filipino or Vietnamese. Also, registered voters who were born in hispanic speaking countries, the Philippines, or Vietnam, will also be sent a pamphlet in the language of the country in which they were born. This action is in compliance with the Federal Voting Rights Act Extension of 2002. On election day, Spanish sample ballot pamphlets will be available at every polling location. Filipino and Vietnamese sample ballot pamphlets will be available at targeted polls throughout the county.
- ✓ **LIMITS ON CONTENT OF CANDIDATES’ STATEMENT OF QUALIFICATIONS**
(*Though this decision is now six years old; some candidates have not had an opportunity to read this information.*) A landmark decision in 1998 by the 4th District Court of Appeals clarified that a candidate’s Statement of Qualifications is limited to the candidate’s own education and qualifications – and **cannot** contain any reference to his or her opponents. A copy of this ruling (*Dean vs. Superior Court*) is provided, as well as County Counsel’s summary of its impacts . . . and the possible financial liabilities a candidate could incur should they fail to conform to the Court’s decision. All candidates will be required to sign an acknowledgement that a copy of the *Dean* ruling has been provided to them. Also included is a copy of another recent opinion (*Hammond vs. Agran*) which clarifies the definition of “qualification.” These legal opinions begin on Page 50.

KNOW OF AN ELECTION VIOLATION?

Here's Who to Call

The San Diego County Registrar of Voters is **NOT** an enforcement agency and is therefore unable to investigate any violations. Reports of violations should be referred to the agencies listed below:

- False or misleading campaign materials: No agency enforcement; these issues are dealt with in court.
- Violations of the Political Reform Act (Title 9 of the California Government Code in Sections 81000 through 91015), i.e. mass mailing requirements; slate mailers; campaign disclosure; proper use of campaign funds; disclosure of economic interests: Contact the Fair Political Practices Commission.
- Election fraud: Contact the Registrar of Voters Office, the District Attorney, or the California Secretary of State.
- Unlawful use of public funds, violations of the Elections Code, the Penal Code, or any laws other than the Political Reform Act: Contact the District Attorney, or the California State Attorney General.
- Federal campaigns, Congress, U.S. Senate, President of the United States, etc.: Contact the Federal Election Commission.
- Open meeting laws (Brown Act): Contact the District Attorney, or the California State Attorney General.
- Local ordinances: Contact your local city attorney or the District Attorney.
- Vandalism: Contact your local police department or the sheriff, as appropriate.
- Requirements concerning campaign signs: See the list of contacts on Page 100.

FEDERAL / STATE / LOCAL ENFORCEMENT OFFICES	
Fair Political Practices Commission P.O. Box 807 (95812-0807) 428 J Street, Suite 620 Sacramento, CA 95814 Phone: 866-275-3772 FAX: 916-322-0886 Website: www.fppc.ca.gov Reporting Enforcement Violations 800-561-1861	Secretary of State Political Reform Division 1500 11 th Street, Room 495 Sacramento, CA 95814 Phone: 916-653-6224 FAX: 916-653-5045 Website: www.ss.ca.gov Elections Division 916-657-2166
Federal Election Commission 999 E Street, NW Washington, DC 20463 Phone: 800-424-9530 For the hearing impaired, TTY 202-219-3336 Website: www.fec.gov	Attorney General P.O. Box 944255 Sacramento, CA 94244-2550 Phone: 916-445-9555/800-952-5225 Website: www.caag.state.ca.us
San Diego County District Attorney's Office 330 West Broadway, Suite 1020 San Diego, CA 92101 Phone: 619-531-4051 FAX: 619-237-1351	

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November 2007

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CALENDAR OF EVENTS

GENERAL ELECTION - NOVEMBER 7, 2006

DATE	DAYS BEFORE ELECTION	EVENT
April 28	193	PETITION IN LIEU OF FILING FEE - ISSUE FOR INDEPENDENT CANDIDATES First day Registrar of Voters can issue Petition in Lieu of Filing Fee forms for independent candidates (for Congress). An independent candidate is seeking election to a partisan office and was not eligible for the Primary election. See separate section of this guide for details. <i>(E.C. Sec. 8106, 8405)</i>
June 12	148	NOMINATION PERIOD - FIRST DAY FOR INDEPENDENT CANDIDATES First day nomination papers for independent candidates may be issued. <i>(E.C. Sec. 8403)</i>
June 29	131	STATE MEASURES Last day for a statewide measure to qualify for the November ballot. <i>(E.C. Sec. 9013)</i>
July 17	113	NOMINATION PERIOD - FIRST DAY (Except Independent Candidates) First day nomination papers for local districts may be issued. <i>(E.C. Sec. 10510)</i>
July 27	103	PETITION IN LIEU OF FILING FEE - LAST DAY FOR INDEPENDENT CANDIDATES Last day to submit initial petitions in lieu of filing fee for independent candidates. The Registrar of Voters has 10 days in which to verify the signatures. <i>(E.C. Sec. 8106, 8405)</i>
August 1	98	BALLOT DESIGNATION - RUN-OFF CANDIDATES Last day for candidates involved in a run-off election from the June Primary to submit a change in ballot designation. <i>(E.C. Sec. 13107)</i>
August 2 through September 11	97 to 57	REVIEW PERIOD There shall be a "public review period" of all ballot material before printing the Sample Ballot and Voter Information Pamphlet. Please see Page 4 for a complete explanation of the "Public Review Policy," and the dates the documents are available for review.
August 11	88	NOMINATION PERIOD - LAST DAY Last day to file nomination papers and candidate's statement of qualifications. <i>(E.C. Sec. 10510, 10603, B/S Policy I-1)</i>
August 11	88	NOMINATION PERIOD - LAST DAY FOR INDEPENDENT CANDIDATES Last day to file nomination papers for independent candidates. There is no 5-day extension period. <i>(E.C. Sec. 8403)</i>
August 11	88	PETITION IN LIEU OF FILING FEE - SUPPLEMENTAL FILING FOR INDEPENDENT CANDIDATES Last day to file supplemental signatures or pay a pro-rata portion of the filing fee to cover any deficiency. <i>(E.C. Sec. 8106, 8405)</i>

CALENDAR OF EVENTS (Continued)

DATE	DAYS BEFORE ELECTION	EVENT
August 11	88	CANDIDATE WITHDRAWAL No candidate who has filed may withdraw after this date. This date is not applicable if the district has a 5-day extension (until August 16) because an incumbent did not file. (E.C. Sec. 10510, 10603)
August 11	88	LOCAL MEASURES - SCHOOLS, SPECIAL DISTRICTS, CITIES AND COUNTY Last day to receive a resolution from a local jurisdiction for a measure to appear on the ballot. (E.C. Sec. 10403, Ed. Code Sec. 5322)
August 11	88	RUN-OFF CANDIDATES' STATEMENTS OF QUALIFICATIONS Last day for candidates involved in a run-off election from the June Primary to submit a new statement of qualifications. (E.C. Sec. 13307)
August 14	85	CANDIDATES' STATEMENTS OF QUALIFICATIONS WITHDRAWAL For jurisdictions where candidate filing ended on August 11, statements may be withdrawn, but not changed, until 5 p.m... Withdrawal request must be in writing and signed by the candidate. (E.C. Sec. 13307)
August 15/16	84/83	FPPC/CAMPAIGN DISCLOSURE WORKSHOPS Presented by the Fair Political Practices Commission to explain campaign finance laws and restrictions. (See Page 72 of this guide for details.)
August 16	83	NOMINATION PERIOD - EXTENSION Last day of extension for filing nomination documents if incumbent has not filed by August 11. Extension does not apply to Community Planning Areas. (E.C. Sec. 10516, 10604)
August 16	83	CANDIDATE WITHDRAWAL No candidate who has filed may withdraw after this date. This date is applicable only in districts with a 5-day extension of the filing period because an incumbent did not file. (E. C. Sec. 10516, 10604)
August 16	83	FILE PETITION TO HOLD ELECTION Last day to file a petition signed by 10% of the voters or 50 voters, whichever is less, requesting that a general district election be held if nominees do not exceed the number of offices to be filled. (E.C. Sec. 10515)
August 17	82	CANDIDATES' STATEMENTS OF QUALIFICATIONS - WITHDRAWAL For jurisdictions with a 5-day extension, statements may be withdrawn, but not changed, until 5 p.m. Withdrawal request must be in writing and signed by the candidate. (E.C. Sec. 13307)
August 17	82	RANDOM ALPHABET There shall be a random drawing of the alphabet at 11 a.m. to determine the order in which candidates' names appear on the ballot. (E.C. Sec. 13112)
August 18	81	CANDIDATE LIST - INCORPORATED CITIES Last day for a City Clerk to file with the Registrar of Voters a list of the names and ballot designations of city candidates to appear on the ballot. (E.C. Sec. 10403)
August 21	78	CAMPAIGN SERVICES SEMINAR - 9 a.m. OR 6 p.m. Two-hour seminar to explain the products/services available from the Registrar of Voters. (See Page 67 of this guide for details.)

CALENDAR OF EVENTS (Continued)

DATE	DAYS BEFORE ELECTION	EVENT
September 11	57	WRITE-IN CANDIDATES First day nomination papers for a write-in candidate may be issued. (E.C. Sec. 8601)
September 28 through November 6	40 - 1	MAIL SAMPLE BALLOTS Between these dates the Registrar of Voters will mail sample ballots.
October 9 through October 31	29 - 7	ABSENTEE/MAIL VOTING - BY MAIL OR IN PERSON Between these dates written applications for absentee/mail ballots will be processed by the Registrar of Voters. Applications received prior to October 9 will be held and processed during this period. (E.C. Sec. 3001)
October 23	15	VOTER REGISTRATION DEADLINE Last day to register to vote in the November General Election. (E.C. Sec. 2102)
October 24	14	WRITE-IN CANDIDATES - LOCAL OFFICES Last day for a person desiring to be a qualified write-in candidate to file the required documents with the elections official. (E.C. Sec. 8601)
November 1 through November 7	6-0	ABSENTEE VOTING - IN PERSON During this period absentee ballots are available at the Registrar of Voters Office when conditions prevent voting at a polling place. A written application signed by the voter under penalty of perjury is required. (E.C. Sec. 3021)
November 4 and November 5	3-4	ABSENTEE VOTING - WEEKEND HOURS The Registrar's office will be open the weekend before the election to assist voters unable to go to the polls on election day.
November 7	0	ELECTION DAY Polls open from 7 a.m. until 8 p.m. (E.C. Sec. 14212)

The following page lists events that occur **after** the election.

CALENDAR OF EVENTS (Continued)

DATE	DAYS AFTER ELECTION	EVENT
November 24	+17	TERM BEGINS: BORREGO WATER Members take office on the last Friday in November. (<i>Water Code Sec. 35204</i>)
December 1	+24	TERM BEGINS: HOSPITAL DISTRICTS IRRIGATION DISTRICTS SCHOOL GOVERNING BOARDS UNIFORM (SPECIAL) DISTRICTS (Except Borrego Water) Members, elected or appointed, take office on the first Friday in December following the election. (<i>E.C. Sec. 10554, Ed. Code Sec. 5017, Health & Safety Code Sec. 32100.5, Water Code Sec. 21101</i>)
December 4	+27	TERM BEGINS: STATE LEGISLATIVE OFFICES State Senators and Members of the State Assembly take office on the first Monday in December following the election. (<i>Calif. Constitution Art. IV, Sec. 2</i>)
December 4	+27	TERM BEGINS: SAN DIEGO COMMUNITY COLLEGE DISTRICT SAN DIEGO UNIFIED SCHOOL DISTRICT Members shall serve for a term of four years from and after 10 a.m. the first Monday after the first day of December. (<i>San Diego City Charter Sec. 66</i>)
December 5	+28	ELECTION CERTIFICATION The Registrar of Voters shall complete the official canvass <u>no later than</u> this date. (<i>E.C. Sec. 15372</i>)
January 3	+57	TERM BEGINS: REPRESENTATIVE IN CONGRESS Members take office on the third day of January, unless a different day is appointed by law. (<i>U.S. Constitution Amendment XX, Sec 2</i>)
January 8	+62	TERM BEGINS: COUNTY BOARD OF SUPERVISORS COUNTY BOARD OF EDUCATION JUDICIAL OFFICES COMMUNITY PLANNING AREAS MUNICIPAL WATER DISTRICTS Members take office on the first Monday after January 1st following the election. (<i>Govt. Code Sec. 24200, Water Code Sec. 71253, B/S Policy I-1</i>)

CAMPAIGN DISCLOSURE SCHEDULE

IS ON PAGE 76

GENERAL QUALIFICATIONS TO RUN FOR AND HOLD PUBLIC OFFICE

AGE/ CITIZENSHIP	A person is incapable of holding a civil office if at the time of his/her election or appointment he/she is not 18 years of age and a citizen of the state. <i>(Gov. Code Sec. 1020)</i>
REGISTERED VOTER/ DISTRICT RESIDENT	Unless otherwise specifically provided, no person is eligible to be elected or appointed to an elective office unless that person is a registered voter and otherwise qualified to vote for that office at the time that nomination papers are issued to the person or at the time of the person's appointment. <i>(E.C. Sec. 201)</i>
CONVICTION OF CRIMES	A person is disqualified from holding any office upon conviction of designated crimes as specified in the Constitution and laws of the State. <i>(Gov. Code Sec. 1021)</i>

School District Index

COMMUNITY COLLEGE	UNION/UNIFIED SCHOOL		
Grossmont-Cuyamaca MiraCosta Palomar San Diego Southwestern	Alpine Union Bonsall Union Borrego Springs Unified Cajon Valley Union Cardiff Carlsbad Unified Chula Vista Elementary Coronado Unified Dehesa Del Mar Union Encinitas Union Escondido Union Fallbrook Union Elementary	Jamul-Dulzura Union Julian Union La Mesa-Spring Valley Lakeside Union Lemon Grove Mountain Empire Unified National Oceanside Unified Poway Unified Ramona Unified Rancho Santa Fe San Diego Unified San Marcos Unified	San Pasqual Union San Ysidro Santee Solana Beach South Bay Union Spencer Valley Vallecitos Valley Center-Pauma Unified Vista Unified Warner Unified
HIGH SCHOOL			
Escondido Union Fallbrook Union Grossmont Union Julian Union San Dieguito Union Sweetwater Union			

Special District Index

COMMUNITY PLANNING	COMMUNITY SERVICES	FIRE PROTECTION	HEALTHCARE	CALIFORNIA WATER	COUNTY WATER
Alpine Campo/Lake Morena Crest/Dehesa/ Harbison Canyon Granite Hills Descanso Fallbrook Jamul/Dulzura Julian Lakeside Pine Valley Potrero Rainbow Ramona San Dieguito Spring Valley Sweetwater Valle de Oro Valley Center	Borrego Springs Park Descanso Community Water Fairbanks Ranch Jacumba Julian Majestic Pines Morro Hills Pauma Valley Rancho Santa Fe Rincon Ranch Whispering Palms Valley Center Parks & Recreation	Alpine Bonita-Sunnyside Borrego Springs Deer Springs East County Julian-Cuyamaca Lakeside Lower Sweetwater North County Pine Valley Rancho Santa Fe San Diego Rural San Miguel Consolidated Valley Center Vista	Fallbrook Grossmont Palomar Pomerado Health Tri-City	Borrego Cuyamaca (Landowner) Riverview Wynola (Landowner)	Canebrake County Leucadia Wastewater Vallecitos
				IRRIGATION	PUBLIC UTILITY
				Helix Lakeside Santa Fe South Bay Vista	Fallbrook
			MUNICIPAL WATER		
			Mootamai Olivenhain Otay Padre Dam Pauma Questhaven	Rainbow Ramona Rincon del Diablo San Luis Rey Valley Center Yuima	

SPECIFIC QUALIFICATIONS

CALIFORNIA WATER DISTRICTS	<p>Cuyamaca Water Wynola Water <i>(Water Code Sec. 34000 et seq.)</i></p> <p>These are Landowner districts.</p>	<p>Each director shall be one of the following:</p> <ul style="list-style-type: none"> (a) A holder of title to land within the district. (b) The legal representative of a holder of title to land within the district in accordance with Section 34030. ("Legal representative" means either of the following: (a) A duly appointed and acting guardian, executor, or administrator of the estate of a holder of title to land. (b) A person duly authorized to act for, and on behalf of, a holder of title to land that is not a natural person.) (c) A representative designated by a holder of title to land within the district, if the holder has filed with the district written evidence of that designation. <p>Term Begins: December 1, 2006 <i>(E.C. Sec. 10554, Water Code Sec. 35100)</i></p>
	<p>Borrego Water Riverview Water <i>(Water Code Sec. 35201, 35252)</i></p>	<p>Each director shall be a resident voter, not a landowner.</p> <p>Term Begins: November 24, 2006 – Borrego Water <i>(Water Code Sec. 35204)</i></p> <p>December 1, 2006 – Riverview Water <i>(E.C. Sec. 10554, Water Code Sec. 35252.12)</i></p>
COMMUNITY PLANNING AREAS	<p>Each member shall be a registered voter residing within the community or subregional area (if applicable). <i>(Board of Supervisors Policy I-1; See Page 71)</i></p> <p>Term Begins: January 8, 2007 <i>(Board of Supervisors Policy I-1; See Page 71)</i></p>	
COMMUNITY SERVICES DISTRICTS	<p>Each director shall be a registered voter residing within the district. <i>(Gov. Code Sec. 61200)</i></p> <p>Term Begins: December 1, 2006 <i>(E.C. Sec. 10554, Gov. Sec. Code 61400)</i></p>	
COUNTY WATER DISTRICTS	<p>Each director shall be a voter of the district. <i>(Water Code Sec. 30500)</i></p> <p>Term Begins: December 1, 2006 <i>(E.C. Sec. 10554, Water Code Sec. 30700)</i></p>	
	<p>Exception: Canebrake County Water District candidates shall be either a voter of the district or an owner of land within the district. <i>(Water Code Sec. 30513)</i></p>	
FIRE PROTECTION DISTRICTS	<p>Each member of a district board shall be a registered voter and a resident of the district. <i>(Health & Safety Code Sec. 13841)</i></p> <p>Term Begins: December 1, 2006 <i>(E.C. Sec. 10554, Health & Safety Code Sec. 13843)</i></p>	
HOSPITAL DISTRICTS	<p>Each member shall be a registered voter residing in the district.</p> <p>(a) Except as provided in subdivision (d), no person who is a director, policymaking management employee, or medical staff officer of a hospital owned or operated by a district shall do either of the following:</p> <ul style="list-style-type: none"> (1) Possess any ownership interest in any other hospital serving the same area as that served by the district hospital of which the person is a director, policymaking management employee, or medical staff officer. (2) Be a director, policymaking management employee, or medical staff officer of any hospital serving the same area as the area served by the district hospital. <p>(b) For the purposes of this section, a hospital shall be considered to serve the same area as a district hospital when more than 5 percent of the hospital's patient admissions are residents of the district.</p> <p style="text-align: center;">(Continued on the next page)</p>	

SPECIFIC QUALIFICATIONS (Continued)

HOSPITAL DISTRICTS (Continued)	<p>(c) For purposes of this section, the possession of an ownership interest, including stocks, bonds, or other securities by the spouse or minor children or any person shall be deemed to be the possession or interest of the person.</p> <p>(d) No person shall serve concurrently as a director or policymaking management employee of a district and as a director or policymaking management employee of any other hospital serving the same area as the district, unless the boards of directors of the district and the hospital have determined that the situation will further joint planning, efficient delivery of health care services, and the best interest of the areas served by their respective hospitals, or unless the district and the hospital are affiliated under common ownership, lease, or any combination thereof.</p> <p>(e) Any candidate who elects to run for the office of member of the board of directors of a district, and who owns stock in, or who works for any health care facility that does not serve the same area served by the district in which the office is sought, shall disclose on the ballot his or her occupation and place of employment. (<i>Health & Safety Sec. 32110</i>)</p> <p>Term Begins: December 1, 2006 (<i>E.C. Sec. 10554, Health & Safety Sec. 32100.5</i>)</p>
INCORPORATED CITY OFFICIALS	<p>Mayor, Council, Clerk, Treasurer Contact each City Clerk for specific filing requirements.</p>
IRRIGATION DISTRICTS	<p>Each director . . . shall be a voter and a landowner in the district and a resident of the division that he or she represents at the time of his or her nomination . . . and through his or her entire term. (<i>Water Code Sec. 21100</i>)</p> <p>Term Begins: December 1, 2006 (<i>Water Code Sec. 21101</i>)</p> <p>Exception: Helix Water and Lakeside Water Districts have dropped "Irrigation" from name; still follow "Irrigation District" laws.</p>
MUNICIPAL WATER DISTRICTS	<p>Each director shall be a resident of the division from which he is elected. (<i>Water Code Sec. 71250</i>)</p> <p>Term Begins: January 8, 2007 (<i>Water Code Sec. 71253, Gov. Code Sec. 24200</i>)</p> <p>Exception: Otay Water has dropped "Municipal" from name; still follows "Municipal Water District" laws.</p>
PUBLIC UTILITY DISTRICT	<p>Each director shall be a resident and qualified elector of the district. (<i>Public Utility Code Sec. 15952</i>)</p> <p>Term Begins: December 1, 2006 (<i>E.C. Sec. 10554, Public Utility Code Sec. 16152</i>)</p>
SCHOOL GOVERNING BOARDS	<p>Each member shall be a resident and registered voter of the school district and trustee area (if applicable). . . . Notwithstanding any other provision of law, no person shall file nomination papers for more than one district office . . . at the same election. An employee of a school district may not be sworn into office as an elected or appointed member of that school district's governing board unless and until he or she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office. (<i>E. C. Sec. 10603, Ed. Code Sec. 35107</i>)</p> <p>Term Begins: December 1, 2006 (<i>Ed. Code Sec. 5017</i>)</p> <p>Exception: San Diego Community College District and San Diego Unified School District: December 6, 2004 (<i>San Diego City Charter Sec. 66</i>)</p>

INCOMPATIBILITY OF OFFICES

The Political Reform Act does not prohibit any office holder from holding multiple public offices or seeking more than one elective office. For example, a deputy district attorney can hold the office of city council member, or a water board director may also be elected to a park and recreation district. There are, however, instances of holding more than one office that are considered incompatible.

There is no single statute that defines “incompatibility of offices”. The common law doctrine of incompatibility of offices, however, prevents an elected official from holding two offices simultaneously ***if the offices have overlapping and conflicting public duties***.

The courts have defined this concept as follows: “One individual may not simultaneously hold two public offices where the functions of the offices concerned are inherently inconsistent, as where there are conflicting interests, or where the nature of the duties of the two offices is such as to render it improper due to considerations of public policy for one person to retain both.”

The State of California Attorney General’s Office has issued many opinions of particular compatibility questions. Here are six examples of incompatible offices:

1. The offices of city councilman and school district board member where the city and the school district have territory in common;
2. fire chief of a county fire protection district and member of the board of supervisors of the same county;
3. high school district trustee and trustee of an elementary school district which is wholly within the geographic boundaries of the high school district;
4. water district director and a city council member,
5. water district director and a school district trustee having territory in common; and
6. deputy sheriff and county supervisor.

If you have a question about whether two public offices which you hold or seek to hold would be considered incompatible, contact the Attorney General’s office at (916) 324-5437 or visit their website, www.caag.state.ca.us. For further information about conflict of interest or incompatibility of offices, contact the Fair Political Practices Commission’s website at www.fppc.ca.gov, or phone toll free 1-866-275-3772.

SCHOOL DISTRICTS

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
ALPINE UNION SCHOOL Scott Barr Steve Hunyar Mary Wiggins	3		11,000	200	\$155	NO
BONSALL UNION SCHOOL Timothy Coen Lou Riddle Robert Turner	3		7,000	200	\$135	NO
BORREGO SPRINGS UNIFIED SCHOOL Richard Caldwell Margaret Orenyak	2		1,600	200	\$110	NO
CAJON VALLEY UNION SCHOOL Jill Barto Marsha Saben Jane Cruz Alfano	3		70,000	200	\$450	NO
CARDIFF SCHOOL Francine Busby Gail Coakley Christine Machado	3		7,000	200	\$135	NO
CARLSBAD UNIFIED SCHOOL Nicole Pappas Lisa Rodman Mark Tanner	3		36,000	200	\$280	YES
CHULA VISTA ELEMENTARY SCHOOL Seat 1 Bertha Lopez Seat 3 Pamela Smith Seat 5 Larry Cunningham	3		106,000	200	\$630	NO
Comments: Candidates must declare seat number, but is voted on "at large" (by all voters of the district).						
CORONADO UNIFIED SCHOOL Laura Clapper Julie Grazian Kathy Vienna	3		10,500	200	\$155	NO
DEHESA SCHOOL Denise Hujing Charles Huskey Cynthia White	3		1,300	200	\$110	NO
DEL MAR UNION SCHOOL Annette Easton Barbara Myers Peggy Yamamoto	3		20,500	200	\$205	NO
ENCINITAS UNION SCHOOL William A. Parker Cathy Regan Marla Strich	3		40,500	200	\$305	NO

SCHOOL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
ESCONDIDO UNION HIGH SCHOOL Pam Grosso Jon Petersen Tina Pope	3		61,000	200	\$405	NO
ESCONDIDO UNION SCHOOL Joan Gardner Royce Moore Linda Woods *Marvin Gilbert (Appt.)	3	1	60,000	200	\$400	NO
FALLBROOK UNION ELEMENTARY SCHOOL Maurice Bernier Patty de Jong Paul Schaden	3		20,000	200	\$200	NO
FALLBROOK UNION HIGH SCHOOL Jim Hutcherson Ed Puett Fran White	3		28,000	200	\$240	NO
GROSSMONT-CUYAMACA COMMUNITY COLLEGE Seat 1 Deanna Weeks Seat 2 Rick Alexander Seat 3 *Bill Garrett (Appt.) Seat 5 Vacant	3	1	224,000	200	\$1,220	NO
Comments: Candidates must declare seat number, but is voted on "at large" (by all voters of the district).						
GROSSMONT UNION HIGH SCHOOL Jim Kelly Ronald Nehring (Appt.) Evelyn Wills	3		215,000	200	\$1,075	NO
JAMUL-DULZURA UNION SCHOOL Cyndy Hoffmann Kathy Schwartz Marcia Spurgeon	3		5,500	200	\$130	NO
JULIAN UNION HIGH SCHOOL Mark Bakken Stacy Lee Peyakov Frank Spevacek *David Carey (Appt.)	3	1	2,800	200	\$115	NO
JULIAN UNION SCHOOL Joy Booth Jim McFall Susan Slaughter	3		2,500	200	\$115	NO
LA MESA-SPRING VALLEY SCHOOL Bob Duff Penny Halgren Rick Winet *Emma Turner (Appt.)	3	1	65,000	200	\$425	NO

SCHOOL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
LAKESIDE UNION SCHOOL Geila Cook Harold Hilliker Kevin Howe	3		21,000	200	\$205	NO
LEMON GROVE SCHOOL Katie Dexter George Gastil Timothy Shaw	3		15,500	200	\$180	NO
MIRACOSTA COMMUNITY COLLEGE Trustee Area 1-Rudolfo Fernandez Trustee Area 2-Gregory Post Trustee Area 6-E. Charles Adams Trustee Area 7-Henry Holloway	4		183,000	200	\$1,015	NO
	Comments: Candidates must live in Trustee Area, but is voted on "at large" (by all voters of the district).					
MOUNTAIN EMPIRE UNIFIED SCHOOL Trustee Area 1-Georgette Gallardo Trustee Area 3-Kenneth Northcote Trustee Area 4-Candy Lynn Bonner Trustee Area 5-Jim Banks	4		5,700	200	\$130	YES
	Comments: Candidates must live in Trustee Area, but are voted on "at large" (by all voters of the district).					
NATIONAL SCHOOL Rosalie "Rosie" Alvarado Anne Campbell Maria Muñoz (Appt.)	3		16,000	200	\$180	NO
OCEANSIDE UNIFIED SCHOOL Lillian Adams Janet Bledsoe Lacy Emily Wichmann	3		48,000	200	\$340	NO
PALOMAR COMMUNITY COLLEGE Mark Evilsizer Michele Nelson	2		316,000	200	\$1,680	NO
POWAY UNIFIED SCHOOL Jeff Mangum Steve McMillan Penny Ranftle	3		93,000	200	\$565	NO
RAMONA UNIFIED SCHOOL Dante Cosentino Bob Stooddy Luan Rivera	3		18,500	200	\$195	NO
RANCHO SANTA FE SCHOOL John Stiker Kathy Stumm	2		4,000	200	\$120	NO

SCHOOL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
SAN DIEGO COMMUNITY COLLEGE District A Maria Nieto Senour District C Rich Grosch District E Peter Zschiesche	3		461,000	400	\$4,710	NO
	Comments: Candidates were nominated by home district in the Primary, but will be voted on "at large" (by all voters of the entire district) in November. Additional candidates cannot be added to the ballot.					
SAN DIEGO UNIFIED SCHOOL District B Katherine Nakamura District C John de Beck	2		462,000	200	\$1,175 (with photo)	YES
	District Pays Comments: Candidates were nominated by home district in the Primary, but will be voted on "at large" (by all voters of the entire district) in November. Additional candidates cannot be added to the ballot.					
SAN DIEGUITO UNION HIGH SCHOOL Linda Friedman Barbara Switzer Groth Deanne "Dee" Rich	3		92,000	200	\$560	NO
SAN MARCOS UNIFIED SCHOOL Alan Brown Sharon Jenkins	2		45,000	200	\$325	YES
SAN PASQUAL UNION SCHOOL Darlene Hanson D. Matt Marschall Marie Verger	3		1,700	200	\$110	NO
SAN YSIDRO SCHOOL Yolanda Hernandez Jean Romero Sandy Lopez	3		8,500	200	\$145	NO
SANTEE SCHOOL Seat 1 Barbara Ryan Seat 3 Dustin Burns Seat 5 Allen Carlisle (Appt.)	3		31,000	200	\$255	NO
	Comments: Candidates must declare seat number, but is voted on "at large" (by all voters of the district).					
SOLANA BEACH SCHOOL Jeffrey Busby Ann Klein Debra Schade	3		21,000	200	\$205	NO
SOUTH BAY UNION SCHOOL Chris Brown Althea Jones Russ McKay	3		30,000	200	\$250	NO

SCHOOL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
SOUTHWESTERN COMMUNITY COLLEGE Seat 2 Terri Valladolid Seat 4 Yolanda Salcido Seat 5 Christine Aranda	3		165,000	200	\$925	NO
	Comments: Candidates must declare seat number, but is voted on "at large" (by all voters of the district).					
SPENCER VALLEY SCHOOL Lisa Boyer Martha Myers	2		300	200	\$105	NO
SWEETWATER UNION HIGH SCHOOL Seat 1 Jim Cartmill Seat 3 Greg Sandoval Seat 5 Arlie Ricasa	3		155,000	200	\$875	NO
	Comments: Candidates must declare seat number, but is voted on "at large" (by all voters of the district).					
VALLECITOS SCHOOL Michelle LaLonde (Appt.) Kerri Joann Smith Sandy Wells *Craig Ohlson (Appt.)	3	1	1,000	200	\$105	NO
VALLEY CENTER-PAUMA UNIFIED SCHOOL Lori Johnson Barbara Rohrer Henry Van Wyk	3		12,500	400	\$230	NO
VISTA UNIFIED SCHOOL Jim Gibson Carol Weise Herrera	2		62,000	200	\$410	NO
WARNER UNIFIED SCHOOL Errol Bratley Tammie McGill Karen Willat	3		1,200	400	\$110	NO

SPECIAL DISTRICTS

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
ALPINE COMMUNITY PLANNING Seat 2 George Wood Seat 4 Jim Easterling Seat 6 John D. Goddard, Jr. Seat 8 Brad S. Bailey Seat 10 Jane Fitz Seat 12 David Waitley Seat 14 Paul Rohal	7		10,000	200	\$150	YES
Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The seven candidates with the most votes will be elected and given seat numbers at the organizational meeting.						
ALPINE FIRE PROTECTION Jim Easterling Steve Kramer Martin Marugg	3		9,000	200	\$145	YES
BONITA-SUNNYSIDE FIRE PROTECTION Thomas Pocklington Joanne Stonecipher	2		8,000	200	\$140	YES
				District Pays		
BORREGO SPRINGS FIRE PROTECTION Richard Anson Robert Moore	2		1,500	200	\$110	NO
BORREGO SPRINGS PARK COMMUNITY SERVICES David Born (Appt.) Alfred L. Irwin (Appt.)	2		120	200	\$105	NO
BORREGO WATER Roger D. Anderson Scott Fortiner Jerry Jones (Appt.)	3		1,500	200	\$110	YES
				District Pays		
BOULEVARD COMMUNITY PLANNING (PROPOSED) Seat 2 Pat Stuart Seat 4 Donna Tisdale Seat 6 Richard Whitaker	3		800	200	\$105	YES
Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The three candidates with the most votes will be elected and given seat numbers at the organizational meeting.						
CAMPO/LAKE MORENA COMMUNITY PLANNING Seat 2 Bev Esry Seat 4 Jean Bates Seat 6 William "Bill" Slaff Seat 8 Patricia Noblitt	4		1,600	200	\$110	YES
Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The four candidates with the most votes will be elected and given seat numbers at the organizational meeting.						
CANEBRAKE COUNTY WATER Paul Deschamps Carl McKenney Sharon Lynn Sherman	3		25	200	\$105	NO
Comments: Canebrake County Water District candidates shall be either a voter of the district or an owner of land within the district. (Water Code Sec. 30513)						

SPECIAL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
CREST/DEHESA /HARBISON CANYON/ GRANITE HILLS COMMUNITY PLANNING Crest Seat 2 Pat Ulm Seat 4 Judy Bowen Dehesa Seat 6 Richard A. White Seat 8 Bill Bretz Harbison Canyon Seat 10 Jack A. Vandover Seat 12 Ciaran Thornton Granite Hills Seat 14 Vacant	7		6,500	200	\$135	YES
Comments: Seat numbers are for identification purposes only. Candidates must live in community area, but are voted on "at large" (by all voters of the district). The candidate(s) in each community with the most votes will be elected and given seat numbers at the organizational meeting.						
CUYAMACA WATER Gary Anderson (Appt.) Roland Eddy (Appt.) James McKenzie	3		N/A (Landowners)	200	\$105	NO
Comments: Candidates and voters must be landowners.						
DEER SPRINGS FIRE PROTECTION Thomas T. Bumgardner David W. Herbert Robert A. Winje	3		7,000	200	\$135	NO
DESCANSO COMMUNITY PLANNING Seat 2 Jo Ellen Hucker Seat 4 John D. Elliott Seat 6 Sheri Minix Seat 8 Claudia D'Spain White	4		1,200	200	\$110	YES
Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The four candidates with the most votes will be elected and given seat numbers at the organizational meeting.						
DESCANSO COMMUNITY WATER Howard Antle Alan Sawyer Dave Somes	3		500	200	\$105	NO
EAST COUNTY FIRE PROTECTION Kenneth Clark Pat Chandler Merritt Strickland	3		5,000	200	\$125	NO
FAIRBANKS RANCH COMMUNITY SERVICES Max Dykmans (Appt.) Richard Sparber	2		1,200	200	\$110	NO
FALLBROOK COMMUNITY PLANNING Seat 2 Jim Russell Seat 4 Dumonte Voigt Seat 6 Robert Sabus Seat 8 Eileen Delaney Seat 10 George McManigle Seat 12 Jerry Donahue Seat 14 Jack F. Wood	7		21,500	200	\$210	YES
Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The seven candidates with the most votes will be elected and given seat numbers at the organizational meeting.						

SPECIAL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
FALLBROOK HEALTHCARE Daniel Goldberg Sharon Mullin Milton Davies (Appt.) *Gordon W. Tinkler (Appt.)	3	1	25,000	200	\$225	YES
FALLBROOK PUBLIC UTILITY Seat 4 Arne Gunnarsson Seat 5 Milton G. Davies	2		14,000	200	\$170	NO
Comments: Candidates must declare seat number, but is voted on" at large" (by all voters of the district).						
GROSSMONT HEALTHCARE Gloria A. Chadwick John W. Hardebeck	2		240,000	200	\$1,300	YES
HELIX WATER (IRRIGATION) Div. 2 DeAna Verbeke (Appt.) Div. 4 James J. Lewanski	2		23,000 26,000	400	\$330 \$360	NO
Comments: Candidates shall be a voter and a landowner in the district and a resident of the division. Registered voters of the division will vote for candidates in that division only.						
JACUMBA COMMUNITY SERVICES Richard Johnson Dale Price (Appt.) Debby Troutt (Appt.)	3		250	200	\$105	YES
JAMUL-DULZURA COMMUNITY PLANNING Seat 2 Judy L. Bohlen Seat 4 Janet W. Mulder Seat 6 Randy White Seat 8 Robert Lay Seat 10 Krishna Toolsie Seat 12 Dan Kjonegaard Seat 14 Jay Haron	7		6,500	200	\$135	YES
Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The seven candidates with the most votes will be elected and given seat numbers at the organizational meeting.						
JULIAN COMMUNITY PLANNING Seat 2 Mary Lou White Seat 4 Stanley Caputo Seat 6 Jean James Seat 8 Kenny Mushet Seat 10 Jack Shelver	5		2,300	200	\$115	YES
Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The five candidates with the most votes will be elected and given seat numbers at the organizational meeting.						
JULIAN COMMUNITY SERVICES Gregg Sallee Roberta Zane (Appt.)	2		200	200	\$105	NO
JULIAN-CUYAMACA FIRE PROTECTION Janet Bragdon Aida Tucker	2		2,300	200	\$115	NO

SPECIAL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
LAKESIDE COMMUNITY PLANNING Seat 2 Richard Hensle Seat 4 Chad M. Enniss Seat 6 Mark R. Turvey Seat 8 Emad Bakeer Seat 10 Maryanne Vancio Seat 12 Gordon Shackelford Seat 14 Julie Bugbee	7		32,000	200	\$260	YES
	Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The seven candidates with the most votes will be elected and given seat numbers at the organizational meeting.					
LAKESIDE FIRE PROTECTION Kenneth Coyle Peter Liebig R.A. "Rick" Smith	3		32,000	200	\$260	YES
LAKESIDE WATER (IRRIGATION) Div. 2 John Belleau Div. 3 Frank Hilliker Div. 5 Vacant	3		3,000 3,000 3,000	200	\$115 \$115 \$115	NO
	Comments: Candidates shall be a voter and a landowner in the district and a resident of the division. Registered voters of the division will vote for candidates in that division only.					
LEUCADIA WASTEWATER Dave Kulchin Elaine Sullivan *Allan Juliussen (Appt.)	2	1	33,000	200	\$265	NO
LOWER SWEETWATER FIRE PROTECTION Yolanda Escamilla (Appt.) *Mary Martinez (Appt.)	1	1	900	200	\$105	NO
MAJESTIC PINES COMMUNITY SERVICES David B. Grossman William G. Stevens	2		750	200	\$105	NO
	District Pays					
MOOTAMAI MUNICIPAL WATER Div. 1 Don Cline Div. 3 Michael E. Biondi	2		100 50	200	\$105 \$105	NO
	Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.					
MORRO HILLS COMMUNITY SERVICES J. Allan Sprinkle J. Patrick Meehan Thomas R. Warner (Appt.) *Eileen J. Delaney (Appt.)	3	1	600	200	\$105	NO
NORTH COUNTY FIRE PROTECTION Frank C. Adams Dennis C. Lindeman	2		23,500	200	\$220	YES

SPECIAL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
OLIVENHAIN MUNICIPAL WATER Div. 1 Robert F. Topolovac Div. 3 Jacob J. Krauss Div. 4 Susan J. Varty	3		8,500 7,000 7,000	200	\$145 \$135 \$135	YES
Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.						
OTAY WATER (MUNICIPAL) Div. 1 Larry Breitfelder Div. 3 Gary Croucher	2		26,500 13,000	200	\$235 \$165	NO
Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.						
PADRE DAM MUNICIPAL WATER Div. 1 Jesse Dixon Div. 3 Andrew Menshek Div. 5 Joel Anderson	3		11,500 12,500 16,500	200	\$160 \$165 \$185	NO
Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.						
PALOMAR POMERADO HEALTH T.E. Kleiter Bruce Krider Alan W. Larson Gary L. Powers (Appt.)	4		216,000	200	\$1,180	NO
PAUMA MUNICIPAL WATER Div. 3 Vacant Div. 5 Yoneo Kariya	2		2 13	200	\$105 \$105	NO
				District Pays		
Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.						
PAUMA VALLEY COMMUNITY SERVICES Richard J. Meyers (Appt.) Ronald O. Stewart William D. Taylor	3		400	200	\$105	NO
PINE VALLEY COMMUNITY PLANNING Seat 2 Vern Denham Seat 4 Benjamin Tulloch Seat 6 Ronald Palermo Seat 8 Terry A. Glardon Seat 10 Cherry Diefenbach Seat 12 Carol Johnson	6		1,500	200	\$210	YES
Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The seven candidates with the most votes will be elected and given seat numbers at the organizational meeting.						

SPECIAL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
PINE VALLEY FIRE PROTECTION Richard Berardi Frank J. Pilant Benjamin Tulloch	3		1,500	200	\$110	NO
POTRERO COMMUNITY PLANNING Seat 2 Thell Fowler Seat 4 Edward Boryla Seat 6 Mary Johnson Seat 8 Gordon Hammers	4		600	200	\$105	YES
Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The four candidates with the most votes will be elected and given seat numbers at the organizational meeting.						
QUESTHAVEN MUNICIPAL WATER Div. 1 Phyllis Isaac (Appt.) Div. 3 Elizabeth Wood Div. 5 Stephen Isaac	3		1 2 4	200	\$105 \$105 \$105	NO
Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.						
RAINBOW COMMUNITY PLANNING Seat 2 Rua Petty Seat 4 Art Deming Seat 6 Curtis J. Nicolaisen Seat 8 Frederick Rasp Seat 10 Dean A. Reade Seat 12 Mary Emond Seat 14 Mila Bonner	7		1,500	200	\$110	YES
Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The seven candidates with the most votes will be elected and given seat numbers at the organizational meeting.						
RAINBOW MUNICIPAL WATER Div. 3 William Bopf Div. 4 Russell Hatfield Div. 5 Rua Petty	3		3,000 2,000 2,000	200	\$115 \$110 \$110	YES
Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.						
RAMONA COMMUNITY PLANNING Seat 2 Patrick Uriell Seat 4 Bob Hailey Seat 6 Lewis J. Kraus Seat 8 William "Bill" Jenkin Seat 10 Katherine Finley Seat 12 Kristi Mansolf Seat 14 Vacant	7		19,500	200	\$200	YES
Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The seven candidates with the most votes will be elected and given seat numbers at the organizational meeting.						
RAMONA MUNICIPAL WATER Div. 2 Doug Wilsman Div. 4 Jim Robinson	2		4,000 3,000	200	\$120 \$115	NO
Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.						

SPECIAL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
RANCHO SANTA FE COMMUNITY SERVICES Margaret O'Driscoll Dale Nelson John Tanner	3		4,500	200	\$125	NO
RANCHO SANTA FE FIRE PROTECTION Clifford Douglas Thomas Hickerson	2		12,500	200	\$165	NO
RINCON DEL DIABLO MUNICIPAL WATER Div. 1 Gregory M. Quist Div. 2 *David A. Drake (Appt.) Div. 3 John B. Hinrichs Div. 4 Hanno E.G. Ix	3	1	11,000 11,000 11,000 7,500	200	\$155 \$155 \$155 \$140	YES
Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.						
RINCON RANCH COMMUNITY SERVICES Manny Grey Bernard Jensen Vacant *Vacant	3	1	90	200	\$105	NO
RIVERVIEW WATER Mark Godwin (Appt.) Irvin Lynn Joe Till	3		5,000	200	\$125	NO
SAN DIEGO RURAL FIRE PROTECTION William Eastwood J.R. "Randy" Terry	2		11,000	200	\$155	NO
SAN DIEGUITO COMMUNITY PLANNING Seat 2 Thomas M. Hohman Seat 4 Laurel Lemarie Seat 6 Ira Epstein Seat 8 Bill Schlosser Seat 10 Richard E. Doughty Seat 12 John Stewart Seat 14 Donald E. Willis	7		13,500	200	\$170	YES
Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The seven candidates with the most votes will be elected and given seat numbers at the organizational meeting.						
SAN LUIS REY MUNICIPAL WATER Div. 1 William Pankey Div. 3 Thomas Veysey (Appt.) Div. 5 Claren Yarger	3		4 12 4	200	\$105 \$105 \$105	NO
Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.						

SPECIAL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
SAN MIGUEL CONSOLIDATED FIRE PROTECTION Rick Augustine David Rickards Chris Winter	3		54,000	200	\$370	NO
SANTA FE IRRIGATION Div. 3 John S. Ingalls Div. 4 Michael T. Hogan Div. 5 Augustus B. Daddi	3		3,000 3,000 2,000	200	\$115 \$115 \$110	NO
				District Pays		
Comments: Candidates shall be a voter and a landowner in the district and a resident of the division. Registered voters of the division will vote for candidates in that division only.						
SOUTH BAY IRRIGATION Div. 1 W.D. Pocklington Div. 4 Mary Salas (Appt.)	2		9,000 11,500	200	\$145 \$160	NO
Comments: Candidates shall be a voter and a landowner in the district and a resident of the division. Registered voters of the division will vote for candidates in that division only.						
SPRING VALLEY COMMUNITY PLANNING Seat 2 Lora Lowes Seat 4 Marilyn Wilkinson Seat 6 Albert A. Van Slyke Seat 8 Daniel E. Skiles Seat 10 Willis Conley Seat 12 Walter W. Lake Seat 14 Michael Stewart	7		28,000	200	\$240	YES
Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The seven candidates with the most votes will be elected and given seat numbers at the organizational meeting.						
SWEETWATER COMMUNITY PLANNING Seat 2 Gretchen Burkey Seat 4 Alan Sachrison Seat 6 Harriet Taylor Seat 8 James "Doc" Stokos Seat 10 Rick Blacklock Seat 12 Ken Byrd Seat 14 John Taylor	7		8,000	200	\$140	YES
Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The seven candidates with the most votes will be elected and given seat numbers at the organizational meeting.						
TRI-CITY HEALTHCARE Ronald A. Mitchell Larry W. Schallock Vacant	3		143,000	200	\$815	YES
<i>There is also a vacancy for a "short" term (to expire 12/1/06)</i>						

SPECIAL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
VALLE DE ORO COMMUNITY PLANNING Seat 2 Donald J. Fitchett Seat 4 John A. Hewicker II Seat 6 John H. Krueger Seat 8 Jim Schmidt Seat 10 Jack L. Phillips Seat 12 Cynthia Chapman Seat 14 Anita Reith	7		24,500	200	\$225	YES
	Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The seven candidates with the most votes will be elected and given seat numbers at the organizational meeting.					
VALLECITOS WATER Div. 2 Trish Hannan Div. 3 James W. Poltl (Appt.)	2		8,000 7,500	200	\$140 \$140	YES
	Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.					
VALLEY CENTER COMMUNITY PLANNING Seat 2 Susan Simpson Seat 4 John Coulombe Seat 6 Ron Adair Seat 8 Larry Glavinic Seat 10 Lael Montgomery Seat 12 Maurice Cloutier Seat 14 Terry Van Koughnett	7		10,500	200	\$160	YES
	Comments: Seat numbers are for identification purposes only. Candidates are voted on "at large" (by all voters of the district). The seven candidates with the most votes will be elected and given seat numbers at the organizational meeting.					
VALLEY CENTER FIRE PROTECTION Michael Pacheco Mel Schuler Dan Thornton *Weaver Simonsen *Vacant	3	2	9,000	200	\$145	NO
VALLEY CENTER PARKS AND RECREATION Tom Bumgardner Fran DeWilde Eric Jockinsen	3		9,500	200	\$150	YES
VALLEY CENTER MUNICIPAL WATER Div. 2 Randy D. Haskell Div. 3 Gary A. Broomell Div. 5 Merle J. Aleshire	3		3,100 3,300 3,000	200	\$115 \$115 \$115	NO
	Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.					
VISTA FIRE PROTECTION Richard L. Hemenez Read Miller	2		9,500	200	\$150	YES
VISTA IRRIGATION Div. 1 Paul L.V. Campo Div. 3 Linden R. Burzell	2		9,000 10,000	200	\$145 \$150	NO
	Comments: Candidates shall be a voter and a landowner in the district and a resident of the division. Registered voters of the division will vote for candidates in that division only.					

SPECIAL DISTRICTS (Continued)

POSITIONS TO BE FILLED AND ESTIMATED COST OF CANDIDATES' STATEMENTS

DISTRICT/INCUMBENT * 2-year term	POSITIONS TO BE FILLED		REG. VOTERS	CANDIDATES' STATEMENTS OF QUALIFICATIONS		FORM 700 (Statement of Economic Interest)
	4-year	2-year	(Approx.)	No. of Words	Cost	YES/NO
WHISPERING PALMS COMMUNITY SERVICES John Mirza (Appt.) Hank Wattson	2		1,700	200	\$110	NO
WYNOLA WATER Edward P. Huffman. Raymond Mitchell Steven S. Shutler (Appt.)	3		N/A (Landowners)	200	\$105	NO
	Comments: Candidates and voters must be landowners.					
YUIMA MUNICIPAL WATER Div. 1 Douglas K. Anderson Div. 4 W.D. "Bill" Knutson	2		100 170	200	\$105 \$105	NO
	Comments: Candidates must live within the division boundaries and only voters within those boundaries will vote on that contest.					

NOMINATION PROCESS

All candidates desiring to have their name placed on the ballot are required to complete the nomination process.

CHECK QUALIFICATIONS	It is the <u>candidate's responsibility</u> to be certain he/she meets the qualifications for holding a particular office.
CANDIDATE MUST BE A REGISTERED VOTER	No person is eligible to be elected or appointed to an elective office unless that person is a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued. (In some districts, the candidate must be a landowner. See "Specific Qualifications.")
WHERE TO OBTAIN/FILE DOCUMENTS	<p>COMMUNITY PLANNING AREAS { All documents are available ONLY from the Registrar of Voters Office.</p> <p>SCHOOL DISTRICTS {</p> <p>MUNICIPAL WATER DISTRICTS { All documents are available from the Registrar of Voters Office; OR</p> <p>UNIFORM DISTRICTS (UDEL) { from the District Office.</p> <p>(aka: SPECIAL DISTRICTS)</p> <p>Only the official documents may be used. Candidates or their authorized representatives will be given instructions on the procedures to be followed at the time nomination papers are issued.</p> <p>The documents must be filed with (returned to) ONLY the Registrar of Voters office, (no matter where they were obtained) by the filing deadline.</p>
NOMINATION PERIOD	<p>July 17 First day nomination documents may be issued.</p> <p>August 11 Last day to file (return) nomination documents. (Must be RECEIVED in the office of the Registrar of Voters by 5 p.m. A postmark is NOT acceptable.) (<i>E.C. Sec. 10510, 10603, B/S Policy I-1</i>)</p> <p>August 16 If the incumbent has failed to file by 5 p.m. August 11, any qualified person other than the person who was the incumbent on the 88th day (August 11) shall have until 5 p.m. on the 83rd day (August 16) before the election to file nomination documents for the elective office. This section is not applicable where there is no incumbent eligible to be elected. (<i>E.C. Sec. 10516</i>)</p> <p>The extension DOES NOT apply to Community Planning Areas, or to a district where there is no incumbent eligible to file.</p>
FILING FEE	There is <u>no filing fee</u> required to become a candidate. However, there is a fee if a candidate chooses to submit an <u>optional</u> candidate's statement of qualifications. (For some districts, the governing body has determined that the district will pay these costs. A chart beginning on Page 17 (Schools) and Page 22 (Special Districts) lists the specific costs for each district.
APPLY EARLY	It is advisable for candidates to obtain nomination papers early during the filing period and to file them well in advance of the filing deadline so that any potential problems may be corrected within the deadlines.
AUTHORIZATION FOR CANDIDATE'S REPRESENTATIVE	<p>A candidate may give written authorization for nomination papers to be issued to a representative. The authorization must show:</p> <ul style="list-style-type: none"> ◆ the name of the representative(s), ◆ the candidate's name, ◆ candidate's residence address, phone number, ◆ the office sought, including the Division, Seat Number, or Trustee Area, (if applicable), and Full or Short Term (if applicable), ◆ language indicating that the candidate is aware that the nomination documents must be completed and filed no later than August 11, and ◆ the candidate's signature. <p>The Registrar of Voters has prepared an "Authorization" form, which is available upon request, but any reasonable facsimile will be accepted. The candidate must then personally sign the required nomination papers, either at the Registrar of Voters Office or before a notary public. A representative is not authorized to sign nomination papers.</p>

DOCUMENTS ISSUED

DECLARATION OF CANDIDACY	<p>The document on which the candidate:</p> <ol style="list-style-type: none"> 1. Declares himself/herself a candidate for a particular office, 2. Provides his/her name and occupational designation as to appear on the ballot, 3. Provides his/her current residence address and phone number, and 4. States he/she is qualified and will accept the office, if elected. <p>(E.C. Sec. 10511)</p>
CODE OF FAIR CAMPAIGN PRACTICES	<p>A <u>voluntary</u> document a candidate may sign and file with the Registrar of Voters. As stated in Elections Code Sec. 20400, "The purpose in creating the Code of Fair Campaign Practices is to give voters guidelines in determining fair play and to encourage candidates to discuss issues instead of untruths or distortions". An explanation and a copy of this document are on the following two pages.</p>
FINANCIAL FORMS	<p>Please follow instructions given in the manuals and forms provided by the Campaign Financial Disclosure Section of the Registrar of Voters Office.</p>
CANDIDATE'S STATEMENT OF QUALIFICATIONS	<p>The document on which a candidate for a local, nonpartisan office may write a statement to be mailed to the voters. The statement will be included in the San Diego County Sample Ballot/Voter Information Pamphlet. The statement for <i>most</i> districts is limited to 200 words. A chart beginning on Page 17 (Schools) and Page 221 (Special Districts) lists the specific costs and word count allowed for each district.</p> <p>(E.C. Sec. 13307)</p>

There are circumstances where a Candidate's Statement of Qualifications may not be printed in the sample ballot:

1. There are an insufficient number of candidates to require an election. This means less than the number to be elected completed the nomination process, **OR**
2. The candidate provides a **WRITTEN and SIGNED** notice to withdraw his/her statement no later than 5 p.m., August 14, even though the jurisdiction/candidates will appear on the ballot. The notice can be given in person, by mail, or by fax; not by phone.)

In either event, the candidate must complete a **W-9 (IRS Form) - Request for Taxpayer ID Number and Certification**. This is a NEW requirement for the County of San Diego. Any candidate who will receive a refund from the Registrar of Voters must file this form. When necessary, the candidate will be given the form after the nomination period ends.

***CODE OF FAIR CAMPAIGN PRACTICES**

Candidate's Name: _____

Office Title: _____

Election Date: _____

Elections Code Sec. 20440. There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of California has a moral obligation to observe and uphold, in order that, after vigorously contested, but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

- (1) I SHALL CONDUCT my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponents or political parties which merit such criticism.
- (2) I SHALL NOT USE OR PERMIT the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.
- (3) I SHALL NOT USE OR PERMIT any appeal to negative prejudice based on race, sex, religion, national origin, physical health status, or age.
- (4) I SHALL NOT USE OR PERMIT any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections, or which hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to vote, or voting.
- (5) I SHALL NOT coerce election help or campaign contributions for myself or for any other candidate from my employees.
- (6) I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics which I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.
- (7) I SHALL DEFEND AND UPHOLD the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of California or treasurer or chairperson of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

Date: _____

Date

Candidate's Signature

This voluntary form will be issued in your nomination packet.

PROVISIONS OF THE CODE OF FAIR CAMPAIGN PRACTICES

as found in Chapter 5 of Division 20 of the California Elections Code

Chapter 5. Fair Campaign Practices

Article 1. General Intent

20400. Intent of legislature.

The Legislature declares that the purpose of this chapter is to encourage every candidate for public office in this state to subscribe to the Code of Fair Campaign Practices.

It is the ultimate intent of the Legislature that every candidate for public office in this state who subscribes to the Code of Fair Campaign Practices will follow the basic principles of decency, honesty, and fair play in order that, after vigorously contested, but fairly conducted campaigns, the citizens of this state may exercise their constitutional right to vote, free from dishonest and unethical practices which tend to prevent the full and free expression of the will of the voters.

The purpose in creating the Code of Fair Campaign Practices is to give voters guidelines in determining fair play and to encourage candidates to discuss issues instead of untruths or distortions.

Article 2. Definitions¹

20420. Definition of “Code”.

As used in this chapter, “Code” means the Code of Fair Campaign Practices.

Article 3. Code of Fair Campaign Practices

20440. Subscription to code; form.

At the time an individual is issued his or her declaration of candidacy, nomination papers, or any other paper evidencing an intention to be a candidate for public office, the elections official, shall give the individual a blank form of the code and a copy of this chapter. The elections official shall inform each candidate for public office that subscription to the code is voluntary.

In the case of a committee making an independent expenditure as defined in Section 82031 of the Government Code, the Secretary of State shall provide a blank form and a copy of this chapter to the individual filing, in accordance with Title 9 (commencing with Section 81000) of the Government Code, an initial campaign statement on behalf of the committee. The text of the code shall read, as follows: (see reverse side.)

20441. Supply of forms.

The Secretary of State shall print, or cause to be printed, blank forms of the code. The Secretary of State shall supply the forms to the elections officials in quantities and at times requested by the elections officials.

20442. Retention of forms; public inspection.

The elections official shall accept, at all times prior to the election, all completed forms that are properly subscribed to by a candidate for public office and shall retain them for public inspection until 30 days after the election.

20443. Public Record

Every code subscribed to by a candidate for public office pursuant to this chapter is a public record open for public inspection.

20444. Voluntary.

In no event shall a candidate for public office be required to subscribe to or endorse the code.

¹304.

“Campaign advertising or communication” means a communication authorized by a candidate or a candidate’s controlled committee, as defined in Section 82016 of the Government Code, or by a committee making independent expenditures, as defined in Section 82031 of the Government Code, or by a committee formed primarily to support or oppose a ballot measure, as defined in Section 82047.5 of the Government Code, for the purpose of advocating the election or defeat of a qualified candidate through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type general, public, political advertising.

305.

“Candidate for public office” means an individual who has qualified to have his or her name listed on the ballot of any election, or who has qualified to have written votes on his or her behalf counted by election officials, for nomination for, or election to, any state, regional, county, municipal, or district office which is filled at an election. The provisions of this chapter do not apply to candidates for federal office.

BALLOT DESIGNATION

CANDIDATE'S NAME

The candidate's name as provided by the candidate on the Declaration of Candidacy is the way it will appear on the ballot. It **CANNOT** be changed after the nomination period has ended.

A CANDIDATE MAY:	<ul style="list-style-type: none"> ◆ Use a nickname, provided the given name or initials are shown. ◆ Use only the initials of the given name with the last name. ◆ Omit the middle name. ◆ Use a shortened familiar form of the given name. <p>EXAMPLE: Bill for William, Dick for Richard, Pat for Patricia, Terry for Theresa,</p>
A CANDIDATE MAY NOT:	<ul style="list-style-type: none"> ◆ Use titles such as "Miss," "Mrs.," "Dr.," "Col.," "Rev." No title or degree shall appear on the same line on a ballot as a candidate's name, either before or after a candidate's name. (<i>E.C. Sec. 13106</i>) ◆ Change his/her name within one year prior to the election. If the candidate has changed his/her name within one year prior to the election, the new name will not appear on the ballot unless the change was made by marriage or by decree of any court of competent jurisdiction. (<i>E.C. Sec. 13104</i>)

ORDER OF NAMES ON THE BALLOT

WHEN DETERMINED	<p>On August 17 the Secretary of State will conduct a random drawing of the alphabet and Registrars of Voters/County Clerks throughout the state will follow this same alphabet. Names of candidates will be arranged on the ballot in accordance with the random alphabet. (<i>E.C. Sec. 13112</i>)</p> <p>Exception: If the office is that of State Senator or Member of the Assembly and the district includes more than one county, the Registrar of Voters in each county shall conduct a drawing of the alphabet. The results of the drawing shall be known as a county randomized ballot and shall be used only to arrange the names of the candidates when the district includes more than one county. (<i>E.C. Sec. 13111</i>)</p> <p>In San Diego County, this will affect the 36th, 38th and 40th Senate Districts and the 66th and 73rd Assembly Districts.</p> <p>Those interested in observing the local random drawing are invited to the Registrar of Voters Office: Thursday, August 17, at 11 a.m.</p>
BALLOT ROTATION	<p>The names of candidates will 'rotate' for these offices:</p> <ul style="list-style-type: none"> ◆ United States Senator ◆ Congress ◆ State Offices ◆ Superior Court <p>Rotated names will appear in the random order in the lowest numbered Assembly District in which the office appears; thereafter, for each succeeding Assembly District, the name appearing first in the last preceding Assembly District shall be placed last, the order of the other names remaining unchanged. (<i>E.C. Sec. 13111</i>)</p> <ul style="list-style-type: none"> ◆ The order of candidates' names for all other offices will not change. (<i>E.C. Sec. 13111</i>)

CANDIDATE'S OCCUPATION

The state guidelines detailed on the following 8 pages will also be enforced for local offices.

CALIFORNIA ELECTIONS CODE SECTIONS REGARDING BALLOT DESIGNATION REQUIREMENTS

Section 13106.

No title or degree shall appear on the same line on a ballot as a candidate's name, either before or after the candidate's name, in the case of any election to any office.

Section 13107.

- (a) With the exception of candidates for Justice of the State Supreme Court or court of appeal, immediately under the name of each candidate, and not separated from the name by any line, may appear at the option of the candidate only one of the following designations:
- (1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing the nomination documents to which he or she was elected by vote of the people, or to which he or she was appointed, in the case of a superior court judge.
 - (2) The word "incumbent" if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or, in the case of a superior court judge, was appointed to that office.
 - (3) No more than three words designating the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
 - (4) The phrase "appointed incumbent" if the candidate holds an office other than a judicial office by virtue of appointment, and the candidate is a candidate for election to the same office, or, if the candidate is a candidate for election to the same office or to some other office, the word "appointed" and the title of the office. In either instance, the candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed." However, the phrase "appointed incumbent" shall not be required of a candidate who seeks reelection to an office which he or she holds and to which he or she was appointed, as a nominated candidate, in lieu of an election, pursuant to Sections 5326 and 5328 of the Education **Code** or Section 7228, 7423, 7673, 10229, or 10515 of this **code**.
- (b) Neither the Secretary of State nor any other election official shall accept a designation of which any of the following would be true:
- (1) It would mislead the voter.
 - (2) It would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.
 - (3) It abbreviates the word "retired" or places it following any word or words which it modifies.
 - (4) It uses a word or prefix, such as "former" or "ex-," which means a prior status. The only exception is the use of the word "retired."
 - (5) It uses the name of any political party, whether or not it has qualified for the ballot.
 - (6) It uses a word or words referring to a racial, religious, or ethnic group.
 - (7) It refers to any activity prohibited by law.
- (c) If, upon checking the nomination documents, the election official finds the designation to be in violation of any of the restrictions set forth in this section, the election official shall notify the candidate by registered or certified mail return receipt requested, addressed to the mailing address appearing on the candidate's nomination documents.
- (1) The candidate shall, within three days from the date of receipt of the notice, appear before the election officer or, in the case of the Secretary of State, notify the Secretary of State by telephone, and provide an alternate designation.
 - (2) In the event the candidate fails to provide an alternate designation, no designation shall appear after the candidate's name.
- (d) No designation given by a candidate shall be changed by the candidate after the final date for filing nomination documents, except as specifically requested by the **elections** official as specified in subdivision (c) or as provided in subdivision (e).
- (e) The designation shall remain the same for all purposes of both primary and general **elections**, unless the candidate, at least 98 days prior to the general election, requests in writing a different designation which the candidate is entitled to use at the time of the request.
- (f) In all cases, words so used shall be printed in 8-point roman uppercase and lowercase type except that, if the designation selected is so long that it would conflict with the space requirements of Sections 13207 and 13211, the **elections** official shall use a type size for the designation for each candidate for that office sufficiently smaller to meet these requirements.
- (g) Whenever a foreign language translation of a candidate's designation is required under the Voting Rights Act of 1965 (42 U.S.C.A. Sec. 1971), as amended, to appear on the ballot in addition to the English language version, it shall be as short as possible, as consistent as is practicable with this section, and shall employ abbreviations and initials wherever possible in order to avoid undue length.

CALIFORNIA ELECTIONS CODE SECTIONS REGARDING BALLOT DESIGNATION REQUIREMENTS (Continued)

NOTICE: "COMMUNITY VOLUNTEER" NOW ACCEPTABLE

Section 13107.5

- (a) A candidate's ballot designation as "community volunteer" shall constitute a valid principal vocation or occupation for purposes of subdivision (a) of Section 13107, if not otherwise in violation of any of the restrictions set forth in that section, and subject to the following conditions:
 - (1) A candidate's community volunteer activities constitute his or her principal profession, vocation, or occupation.
 - (2) A candidate is not engaged concurrently in another principal profession, vocation, or occupation.
 - (3) A candidate may not use the designation of "community volunteer" in combination with any other principal profession, vocation, or occupation designation.
- (b) The Secretary of State shall by regulation define what constitutes a community volunteer for purposes of this section.

The following state guidelines will also be enforced for local offices.

SECRETARY OF STATE BALLOT DESIGNATION REGULATIONS

§20710. General Provisions.

- (a) The regulatory purpose of this Chapter is to ensure the accurate designation of the candidate upon the ballot in order that an informed electorate may intelligently elect one of the candidates.
- (b) The Secretary of State shall, at all times, apply and interpret the provisions of Elections Code § 13107 and the regulations included in this Chapter in a manner consistent with the regulatory purpose of this Chapter.
- (c) Candidates are not required to use a ballot designation pursuant to Elections Code § 13107, subdivision (a), and may opt to leave the space for such a designation on the ballot blank. In order to notify the elections official as to whether he or she will use a ballot designation or will opt to leave the ballot designation space blank, the candidate must initial the appropriate box on the Declaration of Candidacy or otherwise so indicate on the Declaration of Candidacy.
- (d) Pursuant to Elections Code § 13107, subdivision (a), a candidate may submit a proposed ballot designation pursuant to any one of the four provisions specified in Elections Code § 13107, subdivision (a), subparts (1) through (4), applicable to that candidate. The candidate shall be free to select from which of the applicable four subparts he or she is submitting his or her proposed ballot designation.
- (e) The regulations set forth in this Chapter shall apply only to elections held for offices for which elections returns are certified by the Secretary of State of the State of California.
- (f) Whenever, the word "should" is used in this Chapter, it is recommended, not mandatory.

NOTE: Authority cited: Section 12172.5, Government Code.

Reference: Section 13107, Elections Code.

§20711. Ballot Designation Worksheet.

- (a) In order to facilitate review of a candidate's proposed ballot designation by the Secretary of State pursuant to Elections Code § 13107, the candidate may submit, at the time of filing his or her proposed ballot designation on the Declaration of Candidacy, a completed Ballot Designation Worksheet on a form provided by the Secretary of State.
- (b) All Ballot Designation Worksheets filed with the Office of the Secretary of State or the county elections officials pursuant to this section shall be public records and shall be available for inspection and copying at the public counter of the Elections Division of the Office of the Secretary of State, Fifth Floor, 1500 11th Street, Sacramento, California 95814, or at the office of the applicable county elections official.
- (c) The Secretary of State shall provide a master copy or copies of the Ballot Designation Worksheet to all elections officials responsible for providing and accepting the nomination documents for candidates in elections for offices certified by the Secretary of State. The Ballot Designation Worksheet shall request that the candidate proposing the ballot designation provide the following information:

BALLOT DESIGNATION REGULATIONS (Continued)

- (1) The candidate's name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number;
- (2) A designation of the office for which the candidate is seeking election;
- (3) The name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number of the attorney representing the candidate or for any other person to be contacted in the event the Secretary of State requires further information regarding the proposed ballot designation;
- (4) The proposed ballot designation submitted by the candidate;
- (5) At the option of the candidate, the candidate may submit one or more proposed alternate ballot designations ranked in order of the candidate's preference;
- (6) A brief statement identifying the factual basis upon which the candidate claims the proposed ballot designation and each proposed alternate ballot designation, including the following:
 - (A) If the candidate holds elected office and is submitting his or her proposed ballot designation pursuant to Elections Code § 13107, subdivisions (a)(1) or (a)(2), the candidate should indicate the elective office he or she currently occupies and may attach a copy of his or her Certificate of Election;
 - (B) If the candidate is a judicial officer and is submitting his or her proposed ballot designation pursuant to Elections Code § 13107, subdivisions (a)(1) or (a)(2), the candidate should indicate the elective office he or she currently holds and may attach either (A) a copy of his or her Certificate of Election or (B) a copy of his or her commission or certificate of appointment, issued at the time the candidate was appointed to the judicial office which he or she currently occupies;
 - (C) If the candidate submits a ballot designation pursuant to Elections Code § 13107, subdivision (a)(3), the candidate should indicate:
 - (i) The title of the position or positions which he or she claims supports the proposed ballot designation;
 - (ii) The dates during which the candidate held such position;
 - (iii) A description of the work he or she performs in the position;
 - (iv) The name of the candidate's business or employer;
 - (v) The name and telephone number of a person or persons who could verify such information; and
 - (vi) A statement that the professions, vocations or occupations relied upon to support the proposed ballot designation constitute the primary, main or leading professions, vocations or occupations of the candidate, in accordance with the definition of the term "principal" as set forth at § 20714, subdivision (b).
 - (D) If the candidate submits a ballot designation pursuant to Elections Code § 13107, subdivision (a)(4), the candidate should indicate the date on which he or she was appointed to the office for which he or she is an appointed incumbent.
- (d) The candidate may attach or append any supporting documents or other exhibits to his or her Ballot Designation Worksheet which he or she believes support his or her proposed ballot designation. Such attached documents or other exhibits shall be deemed to be incorporated by reference as part of the candidate's Ballot Designation Worksheet and shall be considered as such by the Secretary of State.

NOTE: Authority cited: Section 12172.5, Government Code.

Reference: Section 13107, Elections Code.

§20712. Proposed Ballot Designations Submitted Pursuant to Elections Code § 13107, Subdivision (a)(1).

Proposed ballot designations submitted pursuant to Elections Code § 13107, subdivision (a)(1), shall be subject to the following provisions:

- (a) In the case of candidates holding elective city, county, district, state, or federal office, the candidate's ballot designation shall be the elective office which the candidate holds at the time of filing the nomination documents.
- (b) In the case of judicial officers, the candidate's ballot designation shall be the elective office which the candidate holds at the time of filing the nomination documents.
- (c) There shall be no word count limitation applicable to ballot designations submitted pursuant to Elections Code § 13107, subdivision (a)(1).

BALLOT DESIGNATION REGULATIONS (Continued)

- (d) Proposed ballot designations indicating a position of legislative leadership, such as “Majority Leader of the California Senate,” “Minority Leader of the California State Assembly,” “Speaker of the California State Assembly,” “President Pro Tempore of the California State Senate,” and the like, are not elective offices described in Elections Code § 13107, subdivision (a)(1). Such ballot designations are improper, pursuant to Elections Code § 13107, subdivision (a)(1). They may, however, be considered under the provisions of § 13107(a)(3).
- (e) Proposed ballot designations indicating that the candidate is a member of the state or county central committee of a political party, or an officer of a state or county central committee of a political party, are improper, as such positions do not constitute elective county or state offices as specified in Elections Code § 13107, subdivision (a)(1).

NOTE: Authority cited: Section 12172.5, Government Code.
Reference: Section 13107, Elections Code.

§20713. Proposed Ballot Designations Submitted Pursuant to Elections Code § 13107, Subdivision (a)(2).

Proposed ballot designations submitted pursuant to Elections Code § 13107, subdivision (a)(2), shall be subject to the following provisions:

- (a) A proposed ballot designation submitted pursuant to Elections Code § 13107, subdivision (a)(2), is limited “incumbent,” as that term is defined in Elections Code § 13107, subdivision (a)(2).
- (b) The term “incumbent” must be used as a noun. It shall not be used in conjunction with any other words, including any accompanying adjectives or modifiers, and must stand alone. A candidate qualified to use this designation pursuant to Elections Code § 13107, subdivision (a)(2), shall be entitled to use the ballot designation “Incumbent.”
- (c) The word “incumbent” is strictly limited for use in ballot designations submitted pursuant to Elections Code § 13107, subdivision (a)(2), and may not be used as an adjective in any other ballot designation.

NOTE: Authority cited: Section 12172.5, Government Code.
Reference: Section 13107, Elections Code.

§20714. Proposed Ballot Designations Submitted Pursuant to Elections Code § 13107, Subdivision (a)(3).

Proposed ballot designations submitted pursuant to Elections Code § 13107, subdivision (a)(3), shall be subject to the following provisions:

- (a) The terms “profession,” “vocation,” or “occupation,” as those terms are used in Elections Code § 13107, subdivision (a)(3), are defined as follows:
 - (1) “Profession” means a field of employment requiring special education or skill and requiring specific knowledge of a particular discipline of learning or science. The labor and skill involved in a profession is predominantly mental or intellectual, rather than physical or manual. Recognized professions generally include, but are not limited to, law, medicine, education, engineering, accountancy, and journalism. Examples of an acceptable designation of a “profession,” as defined in Elections Code § 13107, subdivision (a)(3), include, but are not limited to, “attorney,” “physician,” “accountant,” “architect,” and “teacher.”
 - (2) “Vocation” means a trade, a religious calling, or the work upon which a person, in most but not all cases, relies for his or her livelihood and spends a major portion of his or her time. As defined, vocations may include, but are not limited to, religious ministry, child rearing, homemaking, elderly and dependent care, and engaging in trades such as carpentry, cabinetmaking, plumbing, and the like. Examples of an acceptable designation of a “vocation,” as defined in Elections Code § 13107, subdivision (a)(3), include, but are not limited to, “minister,” “priest,” “mother,” “father,” “homemaker,” “dependent care provider,” “carpenter,” “plumber,” “electrician,” and “cabinetmaker.”
 - (3) “Occupation” means the employment in which one regularly engages or follows as the means of making a livelihood. Examples of an acceptable designation of an “occupation,” as defined in Elections Code § 13107, subdivision (a)(3), include, but are not limited to, “rancher,” “restaurateur,” “retail salesperson,” “manual laborer,” “construction worker,” “computer manufacturing executive,” “military pilot,” “secretary,” and “police officer.”

BALLOT DESIGNATION REGULATIONS (Continued)

- (b) "Principal," as that term is used in Elections Code § 13107, subdivision (a)(3), means a substantial involvement of time and effort such that the activity is one of the primary, main or leading professional, vocational or occupational endeavors of the candidate. The term "principal" precludes any activity which does not entail a significant involvement on the part of the candidate. Involvement which is only nominal, pro forma, or titular in character does not meet the requirements of the statute.
 - (1) If a candidate is licensed by the State of California to engage in a profession, vocation or occupation, the candidate is entitled to consider it one of his or her "principal" professions, vocations or occupations if (i) the candidate has maintained his or her license current as of the date he or she filed his or nomination documents by complying with all applicable requirements of the respective licensure, including the payment of all applicable license fees and (ii) the status of the candidate's license is active at the time he or she filed his or her nomination documents.
 - (2) A candidate who holds a professional, vocational or occupational license issued by the State of California may not claim such profession, vocation or occupation as one of his or her "principal" professions, vocations or occupations if (i) the candidate's licensure status is "inactive" at the time the candidate files his or her nomination document, or (ii) the candidate's license has been suspended or revoked by the agency issuing the license at the time the candidate files his or her nomination documents.
- (c) In order for a ballot designation submitted pursuant to Elections Code § 13107, subdivision (a)(3), to be deemed acceptable by the Secretary of State, it must accurately state the candidate's principal professions, vocations or occupations, as those terms are defined in subdivisions (a) and (b) herein. Each proposed principal profession, vocation or occupation submitted by the candidate must be factually accurate, descriptive of the candidate's principal profession, vocation or occupation, must be neither confusing nor misleading, and must be in full and complete compliance with Elections Code § 13107 and the regulations included in this Chapter.
- (d) If the candidate is engaged in a profession, vocation or occupation at the time he or she files his or her nomination documents, the candidate's proposed ballot designation is entitled to consist of the candidate's current principal professions, vocations and occupations. In the event the candidate does not have a current principal profession, vocation or occupation at the time he or she files his or her nomination documents, the candidate may use a ballot designation consisting of his or her principal professions, vocations or occupations, which the candidate was principally engaged in during the calendar year immediately preceding the filing of the candidate's nomination papers.
- (e) A candidate may engage in multiple principal professions, vocations or occupations. Accordingly, the candidate may designate multiple principal professions, vocations or occupations. If a candidate proposes a ballot designation including multiple principal professions, vocations or occupations, the proposed ballot designation must comply with the following provisions:
 - (1) The proposed ballot designation must comply with the three-word limitation specified in Elections Code § 13107, subdivision (a)(3), and as implemented pursuant to subdivision (f) herein.
 - (2) Each such proposed profession, vocation or occupation shall be separately considered by the Secretary of State and must independently qualify as a "principal" profession, vocation or occupation, as that term is defined pursuant to subdivision (b) herein.
 - (3) When multiple professions, vocations or occupations are proposed as a ballot designation, they shall be separated by a slash ("/"). An example of an acceptable designation would be "Legislator/Rancher/Physician."
- (f) Pursuant to Elections Code § 13107, subdivision (a)(3), the candidate's ballot designation shall be limited to not more than three (3) words. The following rules shall govern the application of the three word limitation:
 - (1) The proposed ballot designation shall be grammatically correct, generic, and all words must be spelled correctly.
 - (2) Punctuation shall be limited to the use of a comma (e.g., District Attorney, Los Angeles County) and a slash (e.g., Legislator/Rancher/Physician), pursuant to subdivision (e) of this section. A hyphen may be used if, and only if, the use of a hyphen is called for in the spelling of a word as it appears in a standard reference dictionary of the English language.

BALLOT DESIGNATION REGULATIONS (Continued)

- (3) All California geographical names shall be considered to be one word and shall be limited to the names of cities, counties and states. The names of special districts and political subdivisions are not "geographical names," as that term is used in Elections Code § 13107, subdivision (a)(3). If the candidate desires, the geographical name may be used in the form of "City of . . .," "County of . . .," or "City and County of . . ." Examples of geographical names considered to be one word include Tehama County, Los Angeles County and County of Sacramento.

- (4) An acronym shall be counted as one word.

NOTE: Authority cited: Section 12172.5, Government Code.

Reference: Section 13107, Elections Code.

§20715. Proposed Ballot Designations Submitted Pursuant to Elections Code § 13107, Subdivision (a)(4).

- (a) Pursuant to Elections Code § 13107, subdivision (a)(4), a candidate may propose a ballot designation consisting of the phrase "appointed incumbent" if the candidate holds an office, other than a judicial office, by virtue of appointment, and the candidate is a candidate for election to the same office. The candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed."
- (b) Pursuant to Elections Code § 13107, subdivision (a)(4), a candidate may propose a ballot designation consisting of the word "appointed" in conjunction with the elective office, if the candidate is a candidate for election to the same office or to some other office. The candidate may not use any words designating the office unmodified by the word "appointed."
- (c) There shall be no word count limitation applicable to ballot designations submitted pursuant to Elections Code § 13107, subdivision (a)(4).

NOTE: Authority cited: Section 12172.5, Government Code.

Reference: Section 13107, Elections Code.

§20716. Unacceptable Ballot Designations.

- (a) The Secretary of State shall reject as unacceptable any proposed ballot designation which fails to comply with, or is otherwise inappropriate pursuant to, Elections Code § 13107, subdivision (a); is prohibited pursuant to Elections Code § 13107, subdivision (b); is misleading; or is otherwise improper pursuant to the regulations set forth in this Chapter.
- (b) The following types of activities are distinguished from professions, vocations and occupations and are not acceptable as ballot designations pursuant to Elections Code § 13107, subdivision (a)(3):
- (1) *Avocations*: An avocation is a casual or occasional activity, diversion or hobby pursued principally for enjoyment and in addition to the candidate's principal profession, vocation or occupation. Avocations may include, but are not limited to, hobbies, social activities, volunteer work, and matters pursued as an amateur.
 - (2) *Pro Forma Professions, Vocations and Occupations*: Pro forma professions, vocations or occupations are positions held by the candidate which consume little or none of the candidate's time and which, by their nature, are voluntary or for which the candidate is not compensated. Pro forma professions, vocations and occupations may include, but are not limited to, such pursuits as honorary peace officer, volunteer firefighter, honorary chairperson, honorary professor, goodwill ambassador, official host or hostess and the like.
 - (3) *Statuses*: A status is a state, condition, social position or legal relation of the candidate to another person, persons or the community as a whole. A status is generic in nature and generally fails to identify with any particular specificity the manner by which the candidate earns his or her livelihood or spends the substantial majority of his or her time. Examples of a status include, but are not limited to, philanthropist, activist, patriot, taxpayer, concerned citizen, husband, wife, and the like.
- (c) Pursuant to Elections Code § 13107, subdivision (b)(1), the Secretary of State shall reject as unacceptable any proposed ballot designation which would mislead voters. In making this determination, the Secretary of State shall determine whether there is a substantial likelihood that a reasonably prudent voter would be misled as to the candidate's principal profession, vocation or occupation by the candidate's proposed ballot designation. The determination shall take into account the plain meaning of the words constituting the proposed ballot designation and the factual accuracy of the proposed ballot designation based upon supporting documents or other evidence submitted by the candidate in support of the proposed ballot designation, pursuant to §§ 20711 and 20717 of this Chapter.

BALLOT DESIGNATION REGULATIONS (Continued)

- (d) A ballot designation may not comprise or include commercial identification information, such as a trademark, service mark, tradename, or the specific name of a business, partnership, corporation, company, foundation, or organization. Examples of an improper use of commercial identification information include, but are not limited to, "Acme Company President," "Universal Widget Inventor," "Director, Smith Foundation," "UCLA Professor," and the like.
- (e) Pursuant to Elections Code § 13107, subdivision (b)(2), the Secretary of State shall reject as unacceptable any proposed ballot designation which would suggest an evaluation of the candidate's qualifications, honesty, integrity, leadership abilities or character. Any laudatory or derogatory adjectives which would suggest an evaluation of the candidate's qualifications shall not be permitted. Such impermissible adjectives include, but are not limited to, "outstanding," "leading," "expert," "virtuous," "eminent," "best," "exalted," "prominent," "famous," "respected," "honored," "honest," "dishonest," "corrupt," "lazy," and the like.
- (f) Pursuant to Elections Code § 13107, subdivision (b)(3), the Secretary of State shall reject as unacceptable any proposed ballot designation which abbreviates the word "retired" or places it following any word or words which it modifies. Examples of impermissible designations include "Ret. Army General," "Major USAF, Retired" and "City Attorney, Retired."
- (g) Pursuant to Elections Code § 13107, subdivision (b)(4), the Secretary of State shall reject as unacceptable any proposed ballot designation which uses a word or prefix to indicate a prior profession, vocation, occupation or elected, appointed or judicial office previously held by the candidate. Such impermissible words or prefixes include, but are not limited to, "Ex-," "former," "past," and "erstwhile." Examples of impermissible designations include "Former Congressman," "Ex-Senator," and "Former Educator."
- (h) Subject to the provisions of Elections Code § 13107, subdivision (b)(4), use of the word "retired" in a ballot designation is generally limited for use by individuals who have permanently given up their chosen principal profession, vocation or occupation. In evaluating a proposed ballot designation including the word "retired," the Secretary of State will consider the following factors in making a determination as to the propriety of the use of the term "retired":
 - (1) Prior to retiring from his or her principal profession, vocation or occupation, the candidate worked in such profession, vocation or occupation for more than 5 years;
 - (2) The candidate is collecting, or eligible to collect, retirement benefits or other type of vested pension;
 - (3) The candidate has reached at least the age of 55 years;
 - (4) The candidate voluntarily left his or her last professional, vocational or occupational position;
 - (5) If the candidate is requesting a ballot designation that he or she is a retired public official, the candidate must have previously voluntarily retired from public office, not have been involuntarily removed from office, not have been recalled by voters, and not have surrendered the office to seek another office or failed to win reelection to the office;
 - (6) The candidate has not had another more recent, intervening principal profession, vocation or occupation; and,
 - (7) The candidate's retirement benefits are providing him or her with a principal source of income.
- (i) Pursuant to Elections Code § 13107, subdivision (b)(5), the Secretary of State shall reject as unacceptable any proposed ballot designation which uses the name of any political party, whether or not it has qualified for recognized ballot status.
- (j) Pursuant to Elections Code § 13107, subdivision (b)(6), the Secretary of State shall reject as unacceptable any proposed ballot designation which uses a word or words referring to a racial, religious, or ethnic group.
 - (1) The Secretary of State shall reject as unacceptable any ballot designation which expressly contains or implies any ethnic or racial slurs or ethnically or racially derogatory language.
 - (2) If the candidate is a member of the clergy, the candidate may not make reference to his or her specific denomination. However, the candidate may use his or her clerical title as a ballot designation (e.g., "Rabbi," "Pastor," "Minister," "Priest," "Bishop," "Deacon," "Monk," "Nun," "Imam," etc.)
- (k) Pursuant to Elections Code § 13107, subdivision (b)(6), the Secretary of State shall reject as unacceptable any proposed ballot designation which refers to any activity prohibited by law. Unlawful activity includes any activities, conduct, professions, vocations, or occupations prohibited by state or federal law.

NOTE: Authority cited: Section 12172.5, Government Code.

Reference: Section 13107, Elections Code.

BALLOT DESIGNATION REGULATIONS (Continued)

§20717. Requests for Supporting Documentation.

In addition to the Ballot Designation Worksheet requested to be filed with the Secretary of State pursuant to § 20711 of this Chapter, the Secretary of State may request that a candidate submit additional supporting documentation or other evidence to support the proposed ballot designation.

- (a) Time is of the essence regarding all matters pertaining to the review of proposed ballot designations submitted by candidates for public office. Failure to promptly submit requested supporting materials will preclude consideration of such materials and the rendering of a summary, final decision on the candidate's proposed ballot designation.
- (b) The Secretary of State will communicate, whenever possible, with the candidate in the most expeditious manner, including, but not limited to, telephone, facsimile transmission and electronic mail at the number or address provided by the candidate. When the candidate does not have reasonable access to a facsimile machine or electronic mail, the Secretary of State will transmit written communication to the candidate by means of overnight express delivery to the address provided by the candidate.
- (c) The candidate shall have the burden of establishing that the proposed ballot designation that he or she has submitted is accurate and complies with all provisions of Elections Code § 13107 of this Chapter.

NOTE: Authority cited: Section 12172.5, Government Code.
Reference: Section 13107, Elections Code.

§20718. Communication of Decisions Regarding Ballot Designations.

- (a) An official copy of the decision of the Secretary of State regarding a candidate's ballot designation will be made in writing and transmitted directly to the candidate by registered or certified mail, return receipt requested, to the address provided by the candidate. The Secretary of State shall also provide a copy to the elections official in the candidate's county of residence and to the elections official of each county within the political subdivision. Copies may also be made available to all other candidates in the race.
- (b) At the request of the candidate, the Secretary of State will transmit an unofficial copy of the decision of the Secretary of State regarding the candidate's proposed ballot designation by facsimile transmission sent to the facsimile number listed on the candidate's Ballot Designation Worksheet. When the candidate does not have reasonable access to a facsimile machine, the Secretary of State will transmit to the candidate, at the candidate's request, an unofficial copy of the decision by means of overnight express delivery to the address listed on the candidate's Ballot Designation Worksheet provided. If the candidate has not submitted a Ballot Designation Worksheet, the Secretary of State will transmit an official copy to the facsimile number provided by the candidate or, if the candidate does not have reasonable access to a facsimile machine, by overnight express mail to the address provided by the candidate.
- (c) All written decisions of the Secretary of State regarding ballot designations are public records and are available for inspection and copying at the public counter of the Elections Division of the Office of the Secretary of State, 1500 11th Street, Fifth Floor, Sacramento, California 95814.

NOTE: Authority cited: Section 12172.5, Government Code.
Reference: Section 13107, Elections Code.

§20719. Service of Legal Process Regarding Ballot Designations.

- (a) In the event a candidate or other interested party files a petition for the issuance of an extraordinary writ with the court or other legal action pertaining to a candidate's ballot designation, the summons and any other legal process should be served upon the Chief Counsel to the Secretary of State, Legal Affairs Unit, Executive Office of the Secretary, 1500 11th Street, Sixth Floor, Sacramento, California 95814. The Chief Counsel may designate a Deputy Secretary of State in the Legal Affairs Unit to accept service of process on behalf of the Secretary of State.
- (b) Telephone notice pertaining to any ex parte applications filed with the court by any candidate or other interested party should be directed to the attention of the Chief Counsel to the Secretary of State at 916-653-7244. Counsel for all parties to such ex parte matters are admonished that waivers of the Secretary of State's right to timely notice and the right to personally appear at the ex parte hearing will be granted in writing and only in limited instances.
- (c) The Secretary of State shall provide a copy of any legal actions in subdivision (a) or (b) above to the elections official in the county of the candidate's residence and any other county in the district.

NOTE: Authority cited: Section 12172.5, Government Code.

CANDIDATE'S STATEMENT OF QUALIFICATIONS GUIDELINES

(Elections Code Section 13307 Excerpts)

FILING PERIOD	The statement shall be filed in the Registrar of Voters Office when nomination documents are returned for filing.
WHERE	Registrar of Voters Office 5201 Ruffin Road, Suite I San Diego, CA 92123
CONTENTS	The statement may contain the name, age and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate. (Some districts have increased the statement to 250 or 400 words; please see the requirements for each office in a separate section of this guide.)
EXAMINATION PERIOD	During the 10-calendar-day examination period following the deadline for submission of the statement any voter of the jurisdiction, or the Registrar of Voters, may seek a writ of mandate or an injunction requiring any or all of the material to be amended or deleted.
LIABILITY	Nothing in this section shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the Voter Information Pamphlet.
FORMAT	<p>Candidates are asked to TYPE their statement SINGLE SPACED in BLOCK PARAGRAPHS on a form provided by the Registrar of Voters. The following WILL NOT be permitted:</p> <ul style="list-style-type: none"> ◆ Handwritten statement ◆ Copy from a fax machine ◆ Extra exclamation points ◆ Stars, bullets, graphics ◆ Italics <p>Please see the page following these "Guidelines" for an example of an acceptable format. STATEMENTS WILL BE TYPESET EXACTLY AS SUBMITTED; candidates are therefore advised to carefully check their statements for errors in spelling, punctuation and grammar. The Registrar of Voters is authorized to make corrections only to the format of the statement.</p> <p>If the Registrar of Voter's form is not used, the statement must be typed, SINGLE SPACED in BLOCK PARAGRAPHS on plain white paper (8 ½" x 11") with MARGINS (both LEFT and RIGHT) of NO LESS than ½ inch. A fixed pitch font such as COURIER is recommended.</p> <p>The California Elections Code intends uniformity of appearance of the candidates' statements. By preparing a candidate statement in accordance with the above guidelines, each statement will be uniformly printed and allowed the same amount of space in the Voter Information Pamphlet. This avoids favored composition or printing of one candidate's statement over another.</p> <p>The statement will be printed in 8-point type in the Voter Information Pamphlet. Only the candidate's name, age and occupation will be printed in 10-point type.</p> <p>San Diego Unified: Please see the format exceptions and photograph requirements on Page 48, along with instructions regarding the use of quotations and names in the statement.</p>
RESTRICTIONS	The candidate's statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. Candidate's photographs are not permitted.

NOTICE

All candidates are encouraged to read the court opinions starting on Page 50 regarding restrictions of content in the Candidate's Statement of Qualifications, along with the County Counsel opinion regarding possible financial liability if a lawsuit is filed.

CANDIDATE'S STATEMENT OF QUALIFICATIONS GUIDELINES

(Continued)

WITHDRAWAL	The statement may be withdrawn, but not changed, until 5 p.m. of the next business day after the close of the nomination period.
CONFIDENTIAL	The candidates' statements shall remain confidential until the close of the nomination period. <i>(E.C. Sec. 13311)</i>
SUPERIOR COURT	Any candidate's statement submitted pursuant to Section 13307 by a candidate for Superior Court shall be limited to a recitation of the candidate's own personal background and qualifications, and shall not in any way make reference to other candidates for judicial office or to another candidate's qualifications, character, or activities. The Registrar of Voters shall not cause to be printed or circulated any statement which the clerk determines is not so limited or which includes any such references. <i>(E.C. Sec. 13308)</i>
SPANISH, FILIPINO & VIETNAMESE TRANSLATION	<p>All sample ballot pamphlet text, including candidates' statements is also translated into Spanish, Filipino and Vietnamese. In addition to receiving an English sample ballot pamphlet, registered voters may also request a pamphlet in Spanish, Filipino or Vietnamese.</p> <p>In addition, registered voters who were born in Hispanic speaking countries, the Philippines, or Vietnam, will also be sent a pamphlet in the language of the country in which they were born. This action is in compliance with the Federal Voting Rights Act Extension of 2002.</p> <p>On election day, Spanish sample ballot pamphlets will be available at every polling location. Filipino and Vietnamese sample ballot pamphlets will be available at targeted polls throughout the county.</p>
COST	<p>Candidates' statements are paid for at the time they are filed. The cost is shown on the individual page for each office. All money is held in a Trust Fund and if, for any reason, the statement is not printed, the money will be refunded. The candidate must complete IRS Form W-9 before a refund check can be issued by the County.</p> <p>The cost is calculated to recover expenses for Spanish, Filipino and Vietnamese translation, typesetting, printing, addressing, and mailing of the candidate statement portion of the English and Spanish, Filipino, and Vietnamese sample ballot pamphlets.</p>
WORD COUNT	<p>The following shall apply to the counting of words:</p> <ol style="list-style-type: none"> 1. Punctuation is not counted. 2. Each word shall be counted as one word except as specified in this section. 3. All geographical names shall be considered as one word; for example, "County of San Diego" shall be counted as one word. 4. Each abbreviation for a word, phrase, or expression shall be counted as one word. 5. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word. 6. Dates consisting of a combination of words and digits shall be counted as two words. Dates consisting only of a combination of digits shall be counted as one word. 7. Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as "one," shall be considered as a separate word or words. "One" shall be counted as one word whereas "one hundred" shall be counted as two words. "100" shall be counted as one word. 8. Telephone numbers shall be counted as one word. 9. Internet web site addresses shall be counted as one word. <p>This section shall not apply to counting words for ballot designations under Elections Code Section 13107. <i>(E.C. Sec. 9)</i></p>

EXAMPLE OF AN ACCEPTABLE FORMAT FOR A CANDIDATE'S STATEMENT OF QUALIFICATIONS

JURISDICTION NAME IN CAPITAL LETTERS
Division/District/Office No. in Upper & Lower Case

PAT DOE
Fortune Teller/Comedian

Age: ##
(Optional)

FORMAT/CONTENT: This is an example of an acceptable format to be used in a candidate's statement of qualifications. The guidelines for the content of the statement are in a separate section of the Candidate Filing Guide.

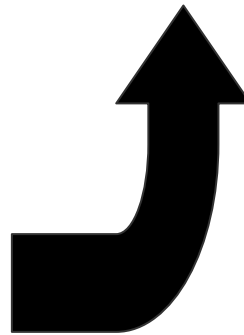
HIGHLIGHTS: It is acceptable for some words or phrases to be **bold** or underlined or **bold and underlined**. Some words may also be in ALL CAPITAL LETTERS or in ANY COMBINATION. The beginning of each paragraph may also be highlighted as shown in this example.

PARAGRAPHS: The candidate statement is printed in "block" paragraphs, which means each paragraph will start on the left and the right margins will be justified (as shown in this example). A double space will appear between paragraphs. Special indentations are not allowed. If a list is to be printed (clubs, accomplishments, goals, etc.), it will appear as shown in the following paragraph (with "dots" separating the items).

I belong to the following organizations: PTA . . . Chamber of Commerce . . . Zoological Society . . . Bridge Club. If elected, I will: 1) lower taxes; 2) increase services; 3) cure the common cold; 4) be your servant. If a list is provided in an unacceptable format, the Registrar of Voters staff will make modifications so it conforms to these rules.

Some jurisdictions allow a 400-word statement. In that case, the statement will be printed on the entire page, not on just one-half of the page.

IMPORTANT!
Please Read



(The above example **does not apply** to San Diego Unified School District.
Please see guidelines on the next page.)

SAN DIEGO UNIFIED SCHOOL DISTRICT

Exceptions to the Candidate's Statement of Qualifications Guidelines

LIMITATIONS	Candidates are not limited to the paragraph format restrictions as explained in the Candidate's Statement of Qualifications Guidelines. Please ask for details or examples from prior elections.
PHOTOGRAPH	Candidates are allowed to have their photograph printed in the Voter Information Pamphlet, along with the statement. For best results, this should be a 5" x 7" black & white glossy (color does not reproduce well), showing just the head and shoulders of the candidate. Anything else submitted will be cropped to fit. The photograph will then be reduced to fit in the pamphlet.
COST	The candidate shall pay the cost to have the statement printed in a Primary Election and the District shall pay the cost in a General Election. This is in accordance with a Board Resolution dated September 14, 1982. The cost for each district is shown on a separate page for this office.

NOTICE TO CANDIDATES REGARDING USE OF QUOTATIONS AND NAMES IN STATEMENT OF CANDIDATE'S QUALIFICATIONS

San Diego Municipal Code Section 27.0620 provides instructions about the Statement of Candidate's Qualifications.

Subsection (c) provides that the statement may include the use of a quotation from an individual, an organization, and publications. Use of the quotation requires written authorization from the individual, as well as the organization. The consent of an organization must be signed by an officer or other duly authorized representative of the organization. If the quotation is from a publication, a copy of the publication may be provided instead of a letter. All authorizations must be filed at the same time as the statement of qualifications, or the quotation will not be permitted in the statement.

Additionally, subsection (d) provides that the statement may include the names of family members and that any other names included in the statement must be authorized in writing by the individual or organization whose name is included in the statement, and that such authorization shall be filed with the Clerk's Office at the same time that the statement is filed.

The City Clerk's Office interprets this section to mean that the use of another individual's name in the statement, if not that of a family member, must be accompanied by a letter of authorization. The use of an organization's name, if included as an endorsement, must also be accompanied by a letter. Organizational names included in the statement as biographical information – such as the business names of former or current employers, colleges and universities attended, organizational memberships, affiliations or awards, and similar references – will not be subject to the authorization requirement.

Candidates are further reminded that the statement is a description of the candidate's qualifications. References to other candidates, officeholders and opponents are prohibited by Section 27.0621 of the San Diego Municipal Code.

The City Attorney has reviewed this interpretation and finds it to be a reasonable interpretation of these code sections.

Note:

The required documentation must be filed at the same time as the Candidate's Statement.

STATE SENATE, STATE ASSEMBLY AND *STATE OFFICES CANDIDATES' STATEMENTS OF QUALIFICATIONS

Candidates for State Senate and State Assembly are allowed to submit a **250-word** Candidate's Statement of Qualifications for inclusion in the sample ballot pamphlet, IF the provisions of Proposition 34 are met. The candidate must agree to:

1. Voluntary spending limits and indicate by checking the appropriate box on Form 501
2. Format guidelines and other criteria shown in a separate section of this guide.
3. Submit the statement no later than August 11, 2006
4. File the statement with the Registrar of Voters of each county in which the jurisdiction appears. (The statement is not required to be printed in each county.) Format and payment may vary by county. Please contact each county for guidelines and costs:

Jurisdiction	County	Contact Information
36 th State Senate	Riverside	Imperial: 909-486-7210 Orange: 714-567-7563 Riverside: 951-486-7200
38 th State Senate	Orange	
40 th State Senate	Imperial and Riverside	
66 th Assembly	Riverside	
73 rd Assembly	Orange	

5. The cost for San Diego County is determined as follows: \$100 set-up fee, plus \$5.00 per 1,000 registered voters of all parties within the candidate's jurisdiction. The cost is significantly greater than the Primary Election when the number of voters within just the candidate's party were used to determine the cost. The cost for each jurisdiction is shown below:

DISTRICT	REGISTERED VOTERS	COST
36 th Senate	360,000	\$1,900
38 th Senate	369,000	1,945
40 th Senate	194,000	1,070
66 th Assembly	43,000	315
73 rd Assembly	76,000	480
74 th Assembly	220,000	1,200
75 th Assembly	234,000	1,270
76 th Assembly	224,000	1,220
77 th Assembly	216,000	1,180
78 th Assembly	210,000	1,150
79 th Assembly	140,000	800

* Candidates for State Offices (Governor, etc.), please contact the Secretary of State for details: 916-657-2166

CANDIDATE STATEMENTS LIMITED TO CANDIDATE'S OWN QUALIFICATIONS

Court Decision Prohibits Any Reference to Opponents

All prospective candidates should be aware of the Court of Appeals ruling in the recent court case of Dean v. Superior Court. The 1998 decision analyzed California Elections Code section 13307, the statute governing the content of a candidate's statement for local office. The Court of Appeals concluded that the statement prepared by a candidate for inclusion in a voter's pamphlet may include comments on one's own qualifications, but may not include comments on one's opponents' qualifications, or lack thereof. A copy of the Dean decision has been reprinted in its entirety in this Guide for the convenience of prospective candidates.

***“The Dean decision is clear . . .
candidates are not to refer to their opponents
in any manner in the candidate's statement.”***

The Dean decision is clear - candidates are not to refer to their opponents in any manner in the candidate's statement. All candidates should confine their voter pamphlet statement to a listing of their particular qualifications and pertinent biographical information.

Importantly, persons seeking office that use the candidate's statement as a forum for attacking an opponent are subject to legal action by the opponent. The opponent can request that the court strike all improper content in a candidate's statement. **If successful in this effort, the candidate can request and the court can order the losing candidate to pay the attorney's fees and costs incurred by the opponent in challenging the candidate's non-conforming statement.** Accordingly, it is in each candidate's best interest to use his or her allotted words wisely and within the permissible scope of Elections Code section 13307.

Prospective candidates are solely responsible for preparation and submittal of candidate's statements that are in conformance with Elections Code section 13307 and other pertinent provisions of the California Elections Code. The Registrar of Voters and its employees and agents do not have the legal authority to reject or modify candidate statements containing improper content. Challenges to written material in a voter's pamphlet are governed by Elections Code section 13313, which authorizes the courts to amend or delete false, misleading or inconsistent material.

***“The Registrar of Voters and its employees and agents
do not have the legal authority to reject or modify
candidate statements containing improper content.”***

CERTIFIED FOR PUBLICATION
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION THREE

JOHN F. DEAN,

Petitioner,

v.

THE SUPERIOR COURT OF
ORANGE COUNTY,

Respondent;

ROSALYN LEVER et al.,

Real Parties in Interest.

G023111

(Super. Ct. No. 791765)

O P I N I O N

Original proceedings; petition for a writ of mandate to challenge an order of the Superior Court of Orange County, John C. Woolley, Judge. Writ issued.

Darryl R. Wold and Reed & Davidson for Petitioner.

No appearance for Respondent.

Mark S. Rosen for Real Party in Interest Darrell Opp.

No appearance for Real Party in Interest Rosalyn Lever.

* * *

Petitioner, a candidate for local office, seeks extraordinary writ relief mandating the Registrar of Voters delete part of an opponent's candidate statement as an impermissible personal attack on petitioner. We issue relief and conclude the superior court erred in not ordering the deletion.

Darrell Opp seeks to unseat the incumbent petitioner, John Dean, as county superintendent of schools in the upcoming June 1998 election. Opp submitted a candidate statement to the Registrar of Voters which began with the following three paragraphs commenting on petitioner: "[¶] The incumbent, John Dean, is failing our schools, our children and the taxpayers. [¶] Under Dean's tenure \$250,000,000 (Two Hundred and Fifty Million!) was borrowed to gamble in the bankrupt Citron investment pool. Dean personally authorized this borrowing. He is one of the few remaining county officials who has not resigned or been removed from office for his role in this fiasco. [¶] Dean's 'leadership' over the last eight years resulted in massive increases in the size of the County bureaucracy. Elected on a platform to cut the county budget, instead his budget has increased from \$64 Million to over \$105 Million."¹

Dean challenged Opp's candidate statement by seeking a writ of mandate in the superior court pursuant to Elections Code section 13313.² That section authorizes the court to mandate amendment or deletion of material in the voter's pamphlet which is "false, misleading, or inconsistent with the requirements of this chapter;"

Dean sought relief on two grounds: (1) deletion of the first three paragraphs (quoted above) "because they consist entirely of material that is not permitted to be included in a candidate's statement" and (2) deletion of four false and misleading sentences in the second and third paragraphs of the statement. The trial court denied the request to delete the first three paragraphs in their entirety, but did direct amendments to the second

¹ The statement continues with a recitation of Opp's background, his platform for the County Department of Education, and a list of individuals who have endorsed his candidacy.

² All further references are to the Elections Code unless otherwise noted.

and third paragraphs.³ The only issue presented here is whether the lower court erred in refusing to delete the first three paragraphs in their entirety.

Section 13307 delineates the contents of a candidate's statement for local office, as well as the procedures for inclusion of such a statement in the voter's pamphlet. In pertinent part, the statute provides: "(a)(1) Each candidate for nonpartisan elective office in any local agency, including any city, county, city and county, or district, may prepare a candidate's statement on an appropriate form provided by the elections official. The statement may include the name, age and occupation of the candidate and a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. However, the governing body of the local agency may authorize an increase in the limitations on words for the statement from 200 to 400 words. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations."

"[T]he interpretation and applicability of a statute is a question of law." (*City of Petaluma v. County of Sonoma* (1993) 12 Cal.App.4th 1239, 1244.) In reviewing petitioner's claim, we are guided by well settled rules of statutory interpretation. The most fundamental of these rules is that where the statute is clear, the "plain meaning" rule applies. The Legislature is presumed to have meant what it said, and the plain meaning of the language governs. (*Great Lakes Properties, Inc. v. City of El Segundo* (1977) 19 Cal.3d 152, 155.) "If the language is clear and unambiguous there is no need for construction, nor is it necessary to resort to indicia of the intent of the Legislature" (*Delaney v. Superior Court* (1990) 50 Cal.3d 785, 798.)

The language of section 13307 is unambiguous. "The statement may include the name, age and occupation of the candidate and a brief description . . . of the candidate's education and qualifications" As noted by the Supreme Court in *Clark v. Burleigh* (1992) 4 Cal.4th 474, "[t]he negative implication of this specific list, of course, is that the Legislature did not intend the statutory candidate's statement to contain any other material: *expressio unius est exclusio alterius*. (Citation omitted.)"⁴ (*Id.*, at p. 489, emphasis in original.)

Opp argues *Clark* is distinguishable because section 13308, which governs *judicial* elections, contains specific limitations prohibiting comments on another candidate's qualifications, character or activities. *Clark* first found the implied intent to limit the statement from the same words used in the statute we review here. The additional language specific to judicial elections demonstrates additional express intent. But express intent is unnecessary here under the maxim *expressio unius est exclusio alterius*. "The expression of some things in a statute necessarily means the exclusion of other things not expressed." (*Gikas v. Zolin* (1993) 6 Cal.4th 841, 852, citing *Dyna-Med, Inc. v. Fair Employment & Housing Com.* (1987) 43 Cal.3d 1379, 1391, fn. 13; see also *Lake v. Reed* (1997) 16 Cal.4th 448, 466-467.) Here, the statute expressly authorizes comment's on one's own qualifications, to the exclusion of comments on an opponent's qualifications.

We have received a reply from real party in interest Opp. Further proceedings would add nothing to our review. (See *Palma v. U.S. Industrial Fasteners, Inc.* (1984) 36 Cal.3d 171, 180.) The relevant law and facts are entirely clear. (*Ng v. Superior Court* (1992) 4 Cal.4th 29, 35.) Consequently, additional briefing and oral argument would serve no useful purpose. (*Alexander v. Superior Court* (1993) 5 Cal.4th 1218, 1222-1223.) Moreover, time is of the essence. (See Elec. Code, § 13314, subd. (a)(3).)

Let a peremptory writ of mandate issue directing the Registrar of Voters to delete the first three paragraphs of Opp's candidate statement from the voter's pamphlet and to print the Opp candidate statement in the voter's pamphlet without those three paragraphs. To prevent mootness and to prevent frustration of the relief granted, this court's decision shall be final upon filing of the opinion. (Cal. Rules of Court, rule 24(d).)

SILLS, P. J.

WE CONCUR:

WALLIN, J.

RYLAARSDAM, J.

³ The court directed the second paragraph be amended to read: "During Dean's tenure \$250,000,000 (Two Hundred and Fifty Million!) was borrowed to invest in the risky Citron investment pool. Dean should have prevented this borrowing. He is one of the few remaining bankruptcy-era county officials who has not resigned or been removed from office." The court directed the third paragraph amended to read: "Dean's 'leadership' over the last eight years resulted in massive increases in the size of the County Department of Education bureaucracy. Elected on a platform to cut the Department's budget, instead his budget has increased from \$64 Million to over \$105 Million."

⁴ *Clark* interpreted sections 10012 and 10012.1, the predecessors to sections 13307 and 13308. (See Stats. 1994, ch. 920, § 2.)

The following opinion interprets the term "qualifications" as used in a candidate's statement of qualification printed in the Voter Information Pamphlet.

Filed 12/9/99

**CERTIFIED FOR PUBLICATION
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT**

DIVISION THREE

BARRY HAMMOND, Plaintiff and Respondent, v. LARRY AGRAN, Defendant and Appellant.	G024266 (Super. Ct. No. 798469) O P I N I O N
---	---

Appeal from an order of the Superior Court of Orange County, John C. Woolley, Judge. Reversed and remanded with directions.

Kenneth D. Agran and Jan Rainbird for Defendant and Appellant.

Megan L. Wagner, and Barry Hammond in pro per, for Plaintiff and Respondent.

* * *

The narrow issue on which this case turns is the scope of the word "qualifications" as used in the Elections Code statute governing the content of candidates' statements in voters' pamphlets. (See Elec. Code, § 13307, formerly Elec. Code, § 10012.) It is now established that the word does not encompass attacks on one's opponents. (See *Clark v. Burleigh* (1992) 4 Cal.4th 474, 488-489.) But does it encompass a candidate's *ideas* or *platform*?

The answer is yes: The Legislature envisioned that a candidate's ideas and views (as distinct from attacks on opponents) could fairly constitute "qualifications" within the meaning of the statute. Indeed, common sense would lead to no other conclusion. It is hard to imagine, for example -- if the candidate's statement had been around in the Presidential Election of 1860 -- that Abraham Lincoln's opinions about the expansion of slavery into the territories somehow didn't qualify him to be President, but his work and background as a prominent railroad attorney (work for which in general Lincoln is *not* remembered) did.

FACTS

Larry Agran, formerly a Mayor and city council member of Irvine, ran again for the city council in the November 1998 General Election. In August 1998 he submitted a candidate's statement which consisted of five paragraphs, centered on the general themes of his role of leading the city council in drafting Irvine's general plan, his fidelity to that plan, and his opposition to a commercial airport at a nearby marine base. We reproduce the entirety of the statement in the margin.¹ Barry Hammond, a political opponent of Agran's, then filed a petition for writ of mandate, contending that the middle three

¹ Here is the statement:

"I was privileged to serve on the City Council from 1978 to 1990, including six years as mayor.

"I led the Council in drafting Irvine's General Plan -- a blueprint for the future that clearly prohibited a commercial airport at El Toro. It also provided for safe and quiet neighborhoods, generous greenbelts, parks and recreation facilities, excellent schools, and thousands of acres of natural open space.

"As a former councilmember and attorney who specializes in public-interest law, I know this: We must stand together to defeat the County's airport and jail expansion plan. We must also replace it with the non-aviation Millennium Plan -- a plan for El Toro that includes a 1500-acre central park and nature habitat, surrounded by colleges, libraries, museums and cultural attractions, along with an extension of our world-class research community at the Irvine Spectrum.

"Irvine is once again at a crossroads: Will we fulfill the promises we've made to ourselves and to future generations? Or will we permit County officials to destroy our General Plan?

"I'll do what it takes to defend and enforce Irvine's General Plan. That's why I'm asking for your vote. I'd be privileged to serve you again."

paragraphs of the statement contained "false, misleading and/or inconsistent information."² Hammond contended that Agran could not take credit for his role in the drafting of Irvine's general plan because he was not on the city council when its original general plan was enacted in 1973. He further argued that Elections Code section 13307, precluded his statement from expressing his views on the airport and jail, because they were "not related" to his qualifications.³

On August 25, the court held a hearing at which Agran himself testified. Hammond's counsel took the position that "ideas and point of view are not related" to candidates' "qualifications," saying that ideas could be used to attack another candidate or institution. The trial judge was not immediately persuaded, and asked, "If the qualifications aren't relevant to the voter's decision in casting their vote, what's the purpose of stating qualifications?"

Even so, after the hearing was concluded, the trial court ordered the middle paragraphs stricken in their entirety. The court indicated that it believed this court's decision in *Dean v. Superior Court* (1998) 62 Cal.App.4th 638, and the Supreme Court's decision in *Clark v. Burleigh, supra*, 4 Cal.4th 474, both excluded "campaign statements" or "campaign planks" from the purview of the word "qualifications" as used in Elections Code section 13307.⁴ However, the trial court did allow Agran to prepare an overnight revision of the statement, which it accepted the next morning. The main difference between the two statements is that the new statement narrowed Agran's role in the city's general plan and contained no direct statement of opposition *qua* opposition to a nearby jail or airport; rather, it merely implied Agran's present opposition to a commercial airport through the device of mentioning his past work with an organization designed to "defeat the proposed international airport at El Toro." We also reproduce that statement in the margin.⁵ Agran filed a timely appeal from the order.

² In the statement set out in footnote 1, the *second* paragraph (beginning with, "I led the Council in drafting . . .") was designated by the trial court as paragraph "1," the third paragraph (beginning with, "As a former councilmember . . .") as paragraph "2," and the fourth paragraph ("Irvine is once again . . .") was considered paragraph "3."

³ Elections Code section 13307, subdivision (a)(1) provides:

"Each candidate for nonpartisan elective office in any local agency, including any city, county, city and county, or district, may prepare a candidate's statement on an appropriate form provided by the elections official. The statement may include the name, age and occupation of the candidate and a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. However, the governing body of the local agency may authorize an increase in the limitations on words for the statement from 200 to 400 words. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations."

For a comprehensive statement of the operation of candidate's statements see *Clark v. Burleigh, supra*, 4 Cal.4th at pages 478 through 479.

All statutory references are to the Elections Code.

⁴ Here is the entirety of the trial court's comments after the matter was submitted:

"The court: Even though the definition proffered, that being a definition of 'qualifications' does have some appeal, it suffers from the same ambiguities that the word 'qualification' suffers. It's a bit like beauty. It's in the eye of the beholder.

"Certainly qualifications would go to skills and qualities. But what's relevant to the electorate in determining their vote creates another set of ambiguities.

"The court strikes paragraphs 1, 2, and 3 in their entirety. It is not the desire of this court to become the ultimate blue line editor of campaign statements.

"The court will entertain up to nine o'clock tomorrow morning a revision that comports with the holding in the Dean case.

"The court does so out of a position of equity because we're all trying to struggle with and work with what the appellate court really truly meant when they passed -- when they gave us the holding in Dean.

"You'll submit [speaking to Agran's attorney] a copy of the proposed new statement to Mr. Sheldon [Hammond's attorney] by not later than 5:00 a.m. You may fax it to him.

"Do you have a fax number?"

Then, after an inquiry from Agran's counsel for "a little bit of guidance, your honor," the court went on:

"I'm not saying everything in here is --

"Mr. Mears [Agran's counsel]: I understand.

"The court: I'm just saying I've chosen not to be the blue line editor.

"Mr. Mears: I understand. [¶] By way of a little bit of guidance, do I understand the court to say that the chief problem that it sees with paragraph 3 and paragraph 4 is that the court views --

The court: I only have them as 1, 2, and 3.

"Mr. Mears: 2 and 3.

"The court: And that's how we've referred to them in our record. I think they're pretty much sales puffing, if you will, campaign statements, campaign planks. They can be adequately addressed using the analysis which is in more detail in Burleigh, by the way, than it is in Dean as to what you can accomplish in other areas. [¶] Anything else?

"Mr. Mears: I don't think so, so your honor."

⁵ The revised statement read:

"I was privileged to serve on the City Council from 1978 to 1990, including six years as Mayor.

"As Mayor, I led the Council in enacting the Conservation and Open Space Element of our General Plan, preserving thousands of acres of hillsides and canyons in their natural state, forever free of development.

"Since 1996, I've served as voluntary chairman of a non-profit citizens' organization working to defeat the proposed international airport at El Toro and replace it with the Millennium Plan -- a comprehensive non-aviation reuse plan.

"I am a Phi Beta Kappa graduate of the University of California, and an honors graduate of Harvard Law School. From 1970 to 1973, I was Legal Counsel to the State Senate Health and Welfare Committee.

DISCUSSION

The Word "Qualifications" In Section 13307 Includes A Candidate's Views on Public Issues

The Case is Not Moot

We may summarily dispense with a mootness contention made by Hammond based on the fact the election has already taken place.⁶ The matter is obviously, as it was in *Clark v. Burleigh*, *supra*, 4 Cal.4th 474, an example of the rule that cases are not moot when they present questions capable of repetition yet evading review. (Cf. *Clark*, *supra*, 4 Cal.4th at p. 481 [rejecting mootness argument because matter was of "general public interest and likely to recur"].) Hammond's argument in favor of mootness is that there is no public interest in the case because the statute "plainly" excludes a candidate's viewpoints. That reasoning is both circular and wrong in its premise. It is circular because it is predicated on the assumption that Hammond is necessarily correct on the merits (as we show below, he isn't), and it is wrong in its premise because it assumes that the question of whether a candidate's views may be included in a candidate's statement has already been definitively determined (as we show below, it hasn't).

Prior Cases Did Not Decide the Issue

While *Clark v. Burleigh*, *supra*, 4 Cal.4th 474 tells us what "qualifications" does not include -- it does not include attacking one's opponents -- the case does not directly deal with the question of what *is* a qualification within the meaning of the statute. *Clark* involved a candidate's statement in a judicial election in which a municipal court judge running for superior court made direct negative references, by name, to the incumbent. The trial court excised the statement. Most of the *Clark* opinion is devoted to a thorough discussion of the *constitutionality* of the removal; the focus is the question of exactly what kind of "forum," for purposes of *constitutional* analysis, a candidate's statements is. (See *Clark*, *supra*, 4 Cal.4th at pp. 482-488.) Only in passing on that issue does it deal with the meaning of the statute.

What the high court did say about the meaning of the statute is mostly set forth in one paragraph spanning pages 488 to 489 in the official reporter. After previously concluding that candidates' statements fall into the last of three possible categories (i.e., not the "traditional public forum" or a "designated public forum," but a "remaining" catch-all category (see *id.* at pp. 482-483)), the opinion tackles the question of "whether the Legislature, by creating the statutory 'candidate's statement,' intentionally opened a public forum that candidates for local judicial office may use for the purpose of attacking their opponents." (*Id.* at p. 488.) Answer: no. Because the statute "specifically lists the permissible contents" of the candidate's statement, the "negative implication of this specific list," said the *Clark* court, was that "the Legislature did not intend the statutory candidate's statement to contain any other material." It cited the venerable rule of linguistic construction, *expressio unius est exclusio alterius* -- i.e., having expressed the one thing, you must have meant to exclude what you left out. Then the court added that "[m]ore important" than this "implication" from linguistics was the "express" prohibition in another statute against candidates for *judicial* office from discussing "another candidate's qualifications, character, or activities." (See *id.* at p. 489, citing former Elections Code section 10012.1 (now Elections Code section 13308).)

The other part of the *Clark* opinion where the court touches on the meaning of the statute is toward the end, where the court is concerned with the reasonableness of the statute construed so as to preclude attacks on one's opponents. (See *id.* at pp. 493-494.) Pointing out that local elections are "normally low-profile events" and candidates frequently do not have the "means" of informing the voters of their qualifications, the *Clark* court observed that the Legislature "created" the candidate's statement "[t]o help fill this informational void." (*Id.* at p. 493.) "From its terms and conditions," said the court, "we may reasonably infer that its primary purpose is to give the voters at least a minimal amount -- 200 words' worth -- of basic information about the background and qualifications of little-known candidates." (*Ibid.*) The court then went on to explain that, in light of the basic purpose of the statute (i.e., filling informational voids), there were three reasons the Legislature would not have wanted the statement to be used "as a partisan campaign device to attack" opponents. One, to prevent *confusion* caused by a "mixed" message; two, to prevent *displacement* of factual information about the candidate himself or herself given the limited amount of space available (200 words normally, at most 400 words); and three, to prevent *misuse* of the device by blindsiding an opponent who would not have time to answer the attack. (*Ibid.*)

Finally, on the next page and in the context of again explaining the constitutional adequacy of the statute as construed, the *Clark* court suggested that even "attacks on opposing candidates" are not necessarily "wholly incompatible with the purposes of the statutory candidate's statement," but that the restriction was "at least reasonable" and the "governing decisions" of the federal Supreme Court required "no more" of the statute. (*Id.* at p. 494.)

I've taught legislation and public policy at the UCLA School of Law and the UCI School of Management. I've also authored a book about the need to control cancer-causing substances in the workplace and the environment. I've lived in Irvine with my family for over 20 years.

"I'll do what it takes to defend and enforce Irvine's General Plan. That's why I'm asking for your vote. I'd be privileged to serve you again."

⁶ Agran won a seat on the Irvine City Council.

Though the *Clark* court did not remark on the fact, the trial court in that case had not stricken a portion of the candidate's statement which dealt with only the candidate's views, as distinct from statements disparaging his opponent. It left in this statement: "It's time to get *tough with criminals* . . . time to end court *interference* in community affairs." (Compare *id.* at p. 481, fn. 7 [what was stricken] with p. 497 [original statement].) While the *Clark* court did not discuss the question of candidate views *per se* in its opinion, it is at least noteworthy that the inclusion of the candidate's views in what was left of the statement was not so offensive that the high court felt compelled to reach out and comment on it adversely.

This court, in *Dean v. Superior Court*, *supra*, 62 Cal.App.4th 638, took *Clark's* comments about attacking one's opponents and the statutory construction of the statute (i.e., the *expressio unius* language) and applied them to a *nonjudicial* race for county superintendent of schools. (See *Dean*, *supra*, 62 Cal.App.4th at pp. 641-642.) There we held that language attacking the incumbent should have been stricken as an "impermissible personal attack." (See *id.* at pp. 639, 641-642.) But that was *all* we held.

We did make a comment, in the introductory sentence to a paragraph in the opinion devoted to quoting the *expressio unius* passage from *Clark*, that "[t]he language of section 13307 is unambiguous," but that comment was in a *context* in which the issue was attacks on one's opponents, and we were taking our cue from what the Supreme Court had itself plainly said about the language of the statute in that precise context. *Dean* cannot be fairly read as saying that the word "qualifications" as used in Elections Code section 13307 unambiguously excludes candidate's viewpoints -- as we show in the next section, it doesn't do any such thing.⁷

One other case bears comment at this point, though it deals with an issue that was not before the court in either *Clark* or *Dean*: *Loza v. Panish* (1980) 102 Cal.App.3d 821. *Loza* was, until *Clark*, the only California decision dealing with the meaning of the candidate's statement statute. *Loza* held that a portion of the statute, requiring the clerk to reject certain kinds of scurrilous or inflammatory language,⁸ was unconstitutional. (See *Loza*, *supra*, 102 Cal.App.3d at p. 826.) While the statutory prohibition on certain kinds of scurrilous language dealt with in *Loza* was not at issue in *Clark*, the *Loza* opinion did discuss a significant -- and we think correct -- inference about the Legislature's intent about the construction of the word "qualifications," from the presence of the (now-unconstitutional) prohibition: namely, that "a candidate's statement may include information regarding his qualifications which goes beyond mere personal data respecting his name, age, occupation and education." (*Loza*, *supra*, 102 Cal.App.3d at p. 824, emphasis added.) We explain why that inference is correct below.

The Ordinary Meaning of the Word "Qualifications" Can Encompass a Person's Views

The word "qualifications" is not otherwise defined by the statute, and in the absence of specifically defined meaning, a court looks to the plain meaning of a word as understood by the ordinary person, which would typically be a dictionary definition. (See *Scott v. Continental Ins. Co.* (1996) 44 Cal.App.4th 24, 28-30 [and listing authorities using general dictionaries to ascertain "'ordinary' meaning of words used in a statute"].) The Oxford English Dictionary lists a number of definitions of the word "qualification," only one of which is the one which Hammond would have us restrict its meaning to, namely, an "accomplishment." (See 12 Oxford English Dict. (1989) at p. 971.) In connection with that which "qualifies or fits a person for some office or function," the dictionary lists both "quality," and "accomplishment" under the word (*ibid.*), indicating that something other than mere resume material can be a "qualification."

Thus it is not uncommon that, in the context of fitness for "office or function," there are occasions when the word necessarily encompasses viewpoints, ideas or ideology. One of the most common is in the context of the criminal law and the death penalty. In *People v. McPeters* (1992) 2 Cal.4th 1148, 1177, our Supreme Court wrote, "A juror is not *qualified* to serve in a capital case if his or her *views* about the death penalty would 'prevent or substantially impair the performance of his duties as a juror in accordance with his instructions and his oath.'"" (Emphasis added.) Other criminal decisions have also said that a person is disqualified from serving on a jury if he or she belongs to member of an ideologically or politically -- to the degree the words do not overlap -- oriented organization, such as the "know-nothing party," if such membership might reify itself as a prejudice against a particular defendant. (See *People v. Buyle* (1937) 22 Cal.App.2d 143, 146 [and cases mentioned therein].)

Likewise, when loyalty oaths were an issue in public employment and benefits law, the Supreme Court regularly confronted the question of whether a given loyalty oath (to wit, that the person was willing or swear that he or she had not, nor had ever been, a Communist) had, in a certain context, "a direct bearing on the qualification necessary for the employment or other benefit under consideration." (See *Wilson v. City of Los Angeles* (1960) 54 Cal.2d 61, 64.) Thus the Supreme Court in 1960 could acknowledge that there were times when there was a relationship between the "political

⁷ The trial judge in *Dean* was the trial judge in the present case. In light of the fact that *Dean* resulted in a peremptory writ being issued when he didn't strike the challenged language, it is understandable that he might have been inclined to overread *Dean* so as not to make the same error again -- and indeed, comments from the bench during the hearing reveal as much. (The court said in colloquy with Hammond's counsel: "This is the difficulty of this whole doggone area and the reason why I ruled the way I did when I ruled in the *Dean* case. But we lost that battle, sir. That battle is over with.")

⁸ The language was: "The clerk shall reject any statement, which contains any obscene, vulgar, profane, scandalous, libelous or defamatory matter, or any language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any person or group of persons by reason of sex, race, color, religion or manner of worship, or any language or matter the circulation of which through the mails is prohibited by Congress." The language was deleted in 1983. (See Stats. 1983, ch. 882, § 1, pp. 3203-3204.)

affiliations and beliefs" of an applicant and "the qualification of the applicant."⁹ (*Ibid.*; see also *In re Anastaplo* (1961) 366 U.S. 82, 90 [stating "it is of no constitutional significance whether the State's interrogation of an applicant on matters relevant to these qualifications -- in this case Communist party membership -- is prompted by information which it already has about him from other sources, or arises merely from a good faith belief in the need for exploratory or testing questioning of the applicant"].) In that era both Chief Justice Traynor and Justice McComb found occasion in dissenting opinions to impliedly or directly acknowledge that there will be at least some occasions when *beliefs* constitute a "qualification." (See *Konigsberg v. State Bar* (1959) 52 Cal.2d 769, 776 (dis. opn. of Traynor, J.) ["a question as to present or past membership in [the Communist Party] is relevant to the issue of possible criminal advocacy and hence to the applicant's qualifications"]; *MacLeod v. Tribune Publishing Co.* (1959) 52 Cal.2d 536, 555 (dis. opn. of McComb, J.) ["the free press' foremost obligation is to advise the electorate of all the qualifications or disqualifications of each candidate for public office, which obviously includes his party affiliations, be they communist or otherwise . . ."].)

Given the breadth of the word, it would be inconsistent with the plain meaning of the statute -- indeed, perhaps even somewhat elitist -- to confine the idea of "qualifications" for office to resume items like degrees and experience in a profession. No matter whether the candidate be a rabble-rouser on a soapbox who never finished high school, or the appellant in the case before us -- an honors graduate of Harvard Law School -- his or her *ideas* are often the most important "quality" in many voters' minds. One voter's "qualification" may be another voter's "disqualification." While most appellate and trial judges would, for example, consider a law degree to be a "qualification" for office, many voters might be decidedly disaffected by a candidate's law degree;¹⁰ then again, they might otherwise be persuaded by the candidate's opinion about whether to raise taxes to fund new educational programs. The filling of the "informational void" about candidates of which the *Clark* court wrote is better done with information about a candidate's ideas -- which, after all, provide at least some clue as to how he or she will act and vote while in office -- than with his or her resume.

The Legislature Impliedly Contemplated
That Qualifications Would Include More
Than Mere Resume Material

As originally enacted, the candidate's statement statute had a provision which required the clerk to strike scurrilous material which advocated or promoted hatred or hostility toward not only any given person, but toward any "group of persons by reason of sex, race, color, religion or manner of worship." (The language is quoted in full in footnote 8, above.) That language was declared unconstitutional in 1980 by the *Loza* decision, and by 1983 the Legislature removed it from the statute. One of the contentions in *Loza* was that the qualification language of the statute -- which was unaffected by the court's ruling -- "*confined*" (original emphasis) the candidate's statement to data "having solely to do with the candidate." (See *Loza, supra*, 102 Cal.App.3d at p. 824.) Accepting the "appellant's assertion there is no adequate legislative history associated with the statute in question which would itself provide the means for resolution of the parties' respective arguments on this point," the *Loza* court observed, in language we have also quoted above, that on the basis of "familiar" principles of statutory construction, the statement might indeed include information regarding a candidate's qualifications "which goes beyond mere personal data." (*Ibid.*)

It is inescapable that the Legislature, when it originally enacted the statute *with* a prohibition against attacks based on certain kinds of prejudice, was sufficiently worried that the candidate's statement was susceptible to such misuse that an express prohibition was needed against certain kinds of statements outside of mere resume material. But by the same token, the Legislature was also signaling that *other* kinds of statements also beyond mere resume material were contemplated under the statute. Of course, such statements would not extend to statements about one's opponent as distinct from one's own ideas or beliefs. As the *Clark* court intimated, you cannot claim as one of your own qualifications the fact your opponent is so bad.

⁹ Here is the relevant text of the court's discussion: "In instances in this state where court have sustained requirements that those seeking to obtain or seeking to retain public employment or other public benefits are required to subscribe to a so-called loyalty oath they have uniformly done so on the rationale that the state or municipality has a right to inquire into the applicant's qualifications, and that *loyalty has a direct bearing on the qualification necessary* for the employment or other benefit under consideration. [Citations.] But where there is no rational and substantial connection between the nature of the investigation into loyalty and the qualification of the applicant an inquiry which requires that he disclose his political affiliations and beliefs constitutes an unreasonable and capricious infringement on the freedoms protected by the Fourteenth and First Amendments of the federal Constitution and article I, section 9 of the California Constitution." (Emphasis added.)

¹⁰ Thomas Jefferson once lamented the fact that Congress was filled with lawyers. As he wrote in his autobiography, "If the present Congress errs in too much talking, how can it be otherwise, in a body to which the people send one hundred and fifty lawyers, whose trade it is to question everything, yield nothing, and talk by the hour?" (See *The Life and Selected Writings of Thomas Jefferson* (Random House, 1944) at p. 61.)

A Candidate's Views on the Issues
Does Not Constitute An "Attack" On An Opponent

Clark identified three grounds which made an exclusion of attacks on one's opponent reasonable in the context of a candidate's statement: prevention of confusion, displacement and misuse. None of these concerns, however, are implicated by a statement of candidate's own views at least where, as in the present case, the statement contains no direct criticism of another candidate.¹¹

First, one's views *qua* views, stated without reference to one's opponent are one's own; there is no possibility a voter will be confused.¹² Second, given the necessary brevity of the statement, the implication is that only the most important information should be given. It is untenable to argue that compatible opinions -- as distinct from resume items -- are not, in many voters' minds, the most important quality they look for in making an elective decision. For many voters, it is far more important to know whether you will raise taxes or increase regulations than it is to know what school you went to or what little league teams you coached. Third, there is no possibility of blindsiding an opponent, because a candidate is always in complete control of what his or her views are at any given time (though it is true that with some candidates it seems that their opinions vary by the hour).¹³

Hammond argues that Agran's original statements, by suggesting that "county officials" were in the process of pushing an unwanted airport on the residents of Irvine, somehow was an "attack" on those officials prohibited by Clark. The argument takes too restrictive a view of "views." Opposition to various general *institutional* figures and interests -- be they freemasons, "big business," the "power elite," "the international communist conspiracy," or "economic royalists" -- has always been a staple of American political life. It is one thing to say one is a stalwart anti-Communist, and that such a belief qualifies one for some office, quite another to allege that one's opponent is a secret colonel in the KGB. Being against slavery generally -- or even the plans of slave owners to expand the institution of slavery into new territories -- is not the same thing as trying to get elected on the fact that one's opponent once owned a slave. Fairly read, Agran's reference to the plans of county officials was not, in context, an attack on a political opponent, but a way of expressing his ideas about certain concrete land use proposals of extreme relevance to his potential constituents.

Hammond's additional argument that the portion of Agran's statement concerning his leadership of the city council in drafting the city's general plan was "misleading" is a makeweight: The remarks of the trial court show that it was concerned with the purview of the word "qualifications," not any factual inaccuracy in Agran's statement. In any event, the statement was not inaccurate. Because a general plan is a document where changes and amendments are, as Agran's counsel nicely phrases it, continually "integrated" into its text, the average reader would understand the words "general plan" to be the one currently in use, not a version from more than 20 years ago. And as for "leading" the city council, the fact is that Agran was the mayor of the city during much of his tenure on the city council. And if a mayor cannot be said to "lead" a city council, no one can.

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DISPOSITION

It was error for the trial judge to have stricken the challenged language from Larry Agran's candidate's statement. The order is reversed with directions to enter a new order declaring that the language should not have been stricken.

Finally, there is the matter of attorney fees for this appeal. Agran spends a large amount of his brief arguing for an award of attorney fees against Hammond (and only Hammond¹⁴) under the private attorney general statute (Code Civ. Proc., § 1021.5) in the event he prevailed (as he now has) on the merits of his appeal. For his part, Hammond has only offered token opposition to the attorney fee question in the event he lost (as he also now has) on the merits.

¹¹ Agran's statement that "[w]e must stand together to defeat the County's airport and jail expansion plan" straightforwardly sets forth his own views, and contains no comparison, even implied, of his opponents' views. A harder case, under Clark, would be a situation in which a candidate's statement of his or her views could not be read without an attack on an opponent -- e.g., "I am the only candidate in this election who opposes an airport at El Toro," or "I am the only candidate in this election who is opposed to Soviet expansionism; my opponents are all soft on Communism." Fortunately, in this case we need not map the exact perimeters, under Clark, of where an honest statement of one's views ends and an attack on one's opponent begins.

¹² Again, we do not tackle the somewhat harder case of statements of views used as a subterfuge for an attack on one's opponent.

¹³ Again, we limit our discussion to instances in which the statement of views does not refer to one's specific opponents. We are about to discuss comments about institutional interests.

¹⁴ At oral argument Agran's counsel disavowed any attempt to seek his fees from the Orange County Registrar, the City of Irvine, or otherwise from the fisc.

Whether attorney fees should ever be awarded for litigation arising out of challenges to candidates' statements is, however, a problematic matter indeed.¹⁵ No published decision of which we are aware has ever awarded attorney fees in such a context. And perhaps with good reason. The issue is fraught with grave implications beyond the narrow facts of this case, such as the interrelationship between any kind of public financing of elections and free speech.

Fortunately, the task is premature. The procedural posture of this case -- Hammond did, after all, *win* at the trial level -- virtually demands that the matter of whether Agran should be awarded any fees for this appeal (and if so, how much), be remanded to the trial court for consideration in the first instance. We have no record or briefing, for example, that even touches on how the "burden of private enforcement" (to borrow a phrase from section 1021.5 of the Code of Civil Procedure) will interact with the *statutory* right under Elections Code section 13313 (formerly Elections Code section 10013.5) to challenge candidates' statements. Nor do we have any record or briefing as to how the ability to challenge a candidate's statement under section 13313 in *combination* with the possibility of a fee award after the litigation is over might affect a candidate's First Amendment rights.

In short, given the extraordinarily complex and unbriefed questions inherent in Agran's request, the issue is not ripe. The matter is therefore remanded for further proceedings in light of this opinion.

SILLS, P. J.

WE CONCUR:

CROSBY, J.

BEDSWORTH, J.

¹⁵ Challenges to such statements are allowed by Elections Code section 13313, formerly Elections Code section 10013.5, for material that is "false, misleading, or inconsistent with the requirements" in the chapter of the Elections Code dealing with voter pamphlets.

INDEPENDENT CANDIDATES

(Elections Code Section 8300, et. seq.)

The California primary elections include a partisan primary election at which each of the qualified political parties (Democratic, Republican, American Independent, Green, Libertarian, Natural Law, and Peace & Freedom) nominate their party's candidate for the November general election. Thus, the party nominating process contains no provision for members of nonqualified parties or nonpartisan candidates to participate in the primary nomination process.

The Independent Nomination provisions of the California Elections Code provide a method for the nomination of nonpartisan candidates to partisan public offices. There is no limitation to the number of independent candidates who can be nominated and placed on the ballot at the **GENERAL ELECTION**, provided each meets the legal requirements.

QUALIFICATIONS	To be an independent candidate at the General Election, the potential candidate <u>CANNOT</u> : 1. Have filed as a partisan candidate at the Primary Election and have been defeated for the party’s nomination at that Primary Election; and, 2. Have been registered to vote in California since October 7, 2005, as being affiliated with a qualified political party. See Table of Contents for location of “Qualifications” for a specific office.											
FILING FEE	Please see the next page for the fee for each office.											
NUMBER OF NOMINATING SIGNATURES	Nomination papers for an office shall be signed by at least 1% or 3% (depending on the area) of the voters of the area as of October 18, 2004 (which was the close of registration for the preceding general election.) (E.C. Sec. 8400) Please see the next page for the number required in each district.											
IMPORTANT DATES	<table><thead><tr><th>Date</th><th>Event</th></tr></thead><tbody><tr><td>Oct. 7, 2005 to Nov. 7, 2006</td><td>Between these dates, the candidate cannot be registered to vote in California with a qualified political party. (Registration as a “Decline to State/Nonpartisan” is acceptable.)</td></tr><tr><td>April 28 to July 27, 2006</td><td>Petitions in Lieu of Filing Fee</td></tr><tr><td>July 28 to August 11, 2006</td><td>Supplemental Filing Period for Petitions in Lieu of Filing Fee</td></tr><tr><td>June 12 to August 11, 2006</td><td>Declaration of Candidacy and Nomination Papers</td></tr></tbody></table> <p>Please refer to the Election Calendar for other dates.</p> <p>New Term Begins: (Varies by Office) Length of Term: (Varies by Office)</p>		Date	Event	Oct. 7, 2005 to Nov. 7, 2006	Between these dates, the candidate cannot be registered to vote in California with a qualified political party. (Registration as a “Decline to State/Nonpartisan” is acceptable.)	April 28 to July 27, 2006	Petitions in Lieu of Filing Fee	July 28 to August 11, 2006	Supplemental Filing Period for Petitions in Lieu of Filing Fee	June 12 to August 11, 2006	Declaration of Candidacy and Nomination Papers
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PETITION IN LIEU OF FILING FEE

INDEPENDENT CANDIDATES *(Elections Code Section 8106)*

PURPOSE	Signatures may be obtained on petitions (provided by the Registrar of Voters) to be counted toward payment of all, or any portion, of the filing fee. These in lieu of filing fee signatures may also be used as nominating signatures.
WHEN/WHERE AVAILABLE	Petition in lieu of filing fee forms may be obtained <u>only</u> from the Registrar of Voters Office, beginning Friday, April 28 . Office hours are Monday through Friday, 8 a.m. to 5 p.m., excluding holidays.
FILING PERIOD	U.S. Senate and Congress April 28 through July 27: Petition in lieu signatures and/or filing fee must be submitted at the time nomination papers <u>are obtained</u> . (The nomination period ends August 11; the in lieu signatures must be filed earlier to allow for the verification process.)
WHO CAN OBTAIN FORMS	The candidate, or his/her representative (with <u>written</u> authorization), must appear at the Registrar of Voters Office to obtain the forms. The forms will not be mailed.
QUANTITY ISSUED	The forms (available at no charge) will have space for the number of signatures needed to pay the full filing fee. If more forms are desired, a "master form" will be provided. Additional copies must be duplicated two-sided and printed at the candidate's expense.
WHO CAN CIRCULATE	A circulator must be a registered voter in the district or political subdivision in which the candidate is to be voted on. The circulator shall serve within the county in which he/she resides. Any number of qualified people may circulate petitions for a candidate. However, each form can have only one circulator, as the person must sign that he/she witnessed all signatures on the form. A candidate may circulate his/her own petition in lieu of filing fee.
PETITION SIGNERS	Any registered voter may sign a petition for any candidate for whom he/she is eligible to vote (same district or political subdivision). Each signer of the petition must write his/her signature and shall include his/her printed name and place of residence (number, street, city) in the presence of the circulator. All signers of the same section of a petition must be registered in one county. Different sections must be used in each county where the petitions are circulated and then filed with the Registrar of Voters/County Clerk in the affected county. A circulator may also be a signer on the petition he/she is circulating, if otherwise qualified. No petition or paper may be signed within 100 feet of any election booth or polling place.
GENERAL INFORMATION	Candidates are encouraged to pay the filing fee by check , in addition to submitting the petitions in lieu, at the required time. The money will be put into a Trust Account and, after the close of the nomination period, candidates will receive a refund for all valid signatures (up to the number required). The initial petitions must be filed all at one time . (More than the minimum number required should be submitted as some may be invalid.) The Registrar of Voters has 10 days in which to verify the signatures and notify the candidate. Signatures on a petition in lieu shall be counted toward the number of voters required to sign nomination papers.
<p style="text-align: center;">NOTICE</p> <p style="text-align: center;">All independent candidates must file a Declaration of Candidacy between June 12 and August 11.</p>	

INDEPENDENT CANDIDATES (Continued)

Number of Signatures Required to Place a Candidate on
General Election Ballot on November 7, 2006.

DISTRICT	VOTER REGISTRATION	REQUIRED SIGNATURES	FILING FEE
FEDERAL OFFICES			
United States Senate	15,891,482	158,915	\$3,242.00
CONGRESS			
Congress - 49 th District	301,108	9,034	\$1,621.00
Congress - 50 th District	359,768	10,794	
Congress - 51 st District	261,479	7,845	
Congress - 52 nd District	342,700	10,281	
Congress - 53 rd District	299,651	8,990	
STATE OFFICES			
Governor	15,891,482	158,915	\$3,500.00
Lieutenant Governor			2,625.00
Secretary of State			2,625.00
Controller			2,800.00
Treasurer			2,800.00
Attorney General			2,975.00
Insurance Commissioner			2,800.00
Board of Equalization –3 rd District	1,283,760	128,376	1,312.50
STATE SENATE			\$1,108.80
36 th District	479,570	14,388	
38 th District	428,446	12,854	
40 th District	314,146	9,425	
STATE ASSEMBLY			\$1,108.80
66 th District	212,056	6,362	
73 rd District	222,522	6,676	
74 th District	222,510	6,676	
75 th District	239,028	7,171	
76 th District	230,509	6,916	
77 th District	217,923	6,538	
78 th District	212,560	6,377	
79 th District	142,365	4,271	

RUN-OFF ELECTIONS

PURPOSE	Several candidates/offices are involved in run-off elections, after being successful in the Primary Election. Those involved are listed on the following pages.
PARTISAN CANDIDATES	Partisan candidates received their party's nomination in the Primary and then must face the nominees of the other parties in the November General Election.
NONPARTISAN CANDIDATES	<p>Nonpartisan candidates must receive a majority (over 50%) of the vote to win in the Primary Election or face the candidate with the next highest number of votes in the General Election.</p> <p>Exceptions:</p> <ul style="list-style-type: none"> ♦ San Diego Community College and San Diego Unified School Districts These districts ALWAYS run-off in November. Only voters of the candidates' home district are eligible to vote in the Primary Election, with the top two candidates automatically entering a run-off in the General Election. Voters throughout the <u>entire</u> district then select the winner in the General Election. ♦ Incorporated Cities "General Law" cities NEVER conduct run-off elections. These races are decided by a plurality vote, which simply means the candidate with the most votes wins. There is no requirement that the winner receive a majority of votes cast. (Note: San Diego and Chula Vista are "Charter" cities and, therefore, their charters provide for different methods of election.)

CANDIDATES' STATEMENTS OF QUALIFICATIONS

DEADLINE AND COSTS	<p>A new statement and payment must be received no later than August 11, 2006. Any statements filed prior to the deadline will remain confidential until August 14. Statements are limited to no more than 200 words, unless otherwise indicated. There are strict guidelines concerning the format of the statements; please see a separate section of this guide. The costs are as follows:</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">OFFICE</th><th style="text-align: center;">COST</th></tr> </thead> <tbody> <tr> <td style="text-align: center;">State Senate and State Assembly</td><td style="text-align: center;">See Page 49</td></tr> <tr> <td style="text-align: center;">Superior Court</td><td style="text-align: center;">\$6,550.00</td></tr> <tr> <td style="text-align: center;">San Diego Community College District</td><td style="text-align: center;">\$4,710.00</td></tr> <tr> <td style="text-align: center;">San Diego Unified School District</td><td style="text-align: center;">District pays</td></tr> </tbody> </table>	OFFICE	COST	State Senate and State Assembly	See Page 49	Superior Court	\$6,550.00	San Diego Community College District	\$4,710.00	San Diego Unified School District	District pays
OFFICE	COST										
State Senate and State Assembly	See Page 49										
Superior Court	\$6,550.00										
San Diego Community College District	\$4,710.00										
San Diego Unified School District	District pays										
BALLOT DESIGNATIONS	<p>If a change in ballot designation (occupation) is desired, the written request must be received by the election official no later than August 1.</p> <p>Candidates for the following offices file an original request with the Secretary of State (and a copy to the Registrar of Voters):</p> <ul style="list-style-type: none"> ♦ United States Senate ♦ Congress ♦ State Senate and State Assembly <p>Candidates for the following offices file an original request with the Registrar of Voters:</p> <ul style="list-style-type: none"> ♦ Superior Court ♦ San Diego Community College District ♦ San Diego Unified School District 										

RUN-OFF ELECTIONS - PARTISAN OFFICES

STATE OFFICES							
GOVERNOR		LT. GOVERNOR		SECRETARY OF STATE			
Phil Angelides (D) Arnold Schwarzenegger (R) Edward C. Noonan (A) Peter Miguel Camejo (G) Art Olivier (L) Janice Jordan (P)		John Garamendi (D) Tom Mc Clintock (R) Jim King (A) Donna J. Warren (G) Lynnette Shaw (L) Stewart A. Alexander (P)		Debra Bowen (D) Bruce Mc Pherson (R) Glenn Mc Millon, Jr. (A) Forrest Hill (G) Gail K. Lightfoot (L) Margie Akin (P)			
CONTROLLER		TREASURER		ATTORNEY GENERAL			
John Chiang (D) Tony Strickland (R) Warren Mark Campbell (A) Laura Wells (G) Donna Tello (L) Elizabeth C. Barron (P)		Bill Lockyer (D) Claude Parrish (R) E. Justin Noonan (A) Mehul M. Thakker (G) Marian Smithson (L) Gerald Sanders (P)		Jerry Brown (D) Chuck Poochigian (R) Michael S. Wyman (G) Kenneth A. Weissman (L) Jack Harrison (P)			
INSURANCE COMMISSIONER			BOARD OF EQUALIZATION – 3 rd District				
Cruz M. Bustamante (D) Steve Poizner (R) Jay Earl Burden (A) Larry Cafiero (G) Dale F. Ogden (L) Tom Condit (P)			Mary Christian-Heising (D) Michelle Steel (R) Mary Lou Finley (P)				
UNITED STATES SENATOR							
Dianne Feinstein (D) Richard “Dick” Mountjoy (R) Don J. Grundmann (A)			Todd Chretien (G) Michael S. Metti (L) Marsha Feinland (P)				
UNITED STATES REPRESENTATIVE IN CONGRESS							
49th District		50th District		51th District			
Jeeni Criscenzo (D) Darrell Issa (R) Lars R. Grossmith (L)		Francine Busby (D) Brian P. Bilbray (R) Paul King (L) Miriam E. Clark (P)		Bob Filner (D) Blake L. Miles (R) Dan Litwin (L)			
52nd District			53rd District				
John Rinaldi (D) Duncan Hunter (R) Michael Benoit (L)			Susan A. Davis (D) John “Woody” Woodrum (R) Ernie Lippe (L)				
MEMBER OF THE STATE SENATE							
36th District		38th District		40 th District			
Mark Hanson (D) Dennis Hollingsworth (R) Joe Shea (L)		Mark Wyland (R) Brian A. Klea (L)		Denise Moreno Ducheny (D) David K. Walden (R) Jesse Thomas (L)			
MEMBER OF THE STATE ASSEMBLY							
66th District		73rd District		74th District		75th District	
Laurel Nicholson (D) Kevin Jeffries (R)		Mimi Walters (R) Andrew H. Favor (L)		Roxana Folescu (D) Martin Garrick (R)		Scott Meyer (D) George A. Plescia (R) Edward M. Teyssier (L)	
76th District		77th District		78th District		79th District	
Lori R. Saldana (D) Ralph Denney (R)		Christopher R. Larkin (D) Joel Anderson (R) Rich Belitz (L)		Maxine Sherard (D) Shirley Horton (R) Geof Gibson (L)		Mary Salas (D) Jean Roesch (R)	
THE FOLLOWING ABBREVIATIONS ARE USED AS THE “PARTY” CODES							
D	Democratic	G	Green	W	Natural Law		
R	Republican	L	Libertarian				
A	American Independent	P	Peace and Freedom				

RUN-OFF ELECTIONS - NONPARTISAN OFFICES

SUPERIOR COURT – OFFICE NO. 36

Rod Shelton
Larry “Jake” Kincaid

SAN DIEGO COMMUNITY COLLEGE DISTRICT

District A	District C	District E
Maria Nieto Senour Daniel Smiechowski	Rich Grosch Andy Hollingworth	Peter Zschiesche

SAN DIEGO UNIFIED SCHOOL DISTRICT

District B	District C
Katherine Nakamura Michael Mc Sweeney	John De Beck

CITY OF CHULA VISTA

Mayor	City Council – Seat No. 1
Cheryl Cox Steve Padilla	Rudy Ramirez Patty Chavez

WRITE-IN CANDIDATES

(Elections Code Section 8600, et. seq.)

FILING REQUIREMENTS	<p>Every person who desires to be a write-in candidate and have his/her name counted for a particular office shall file:</p> <ol style="list-style-type: none"> 1. A statement of write-in candidacy which contains the following: <ul style="list-style-type: none"> ◆ Candidate's name ◆ Residence Address ◆ Declaration stating he/she is a write-in candidate ◆ Title of office sought ◆ Election date ◆ Party nomination sought (only if for a partisan primary election) (<i>E.C. Sec. 8600</i>) <p>In addition, candidates for San Diego Unified School District must also include:</p> <ul style="list-style-type: none"> ◆ Date and place of birth ◆ Occupation ◆ Past residences for a period of four years <ol style="list-style-type: none"> 2. A signed Oath or Affirmation of Allegiance (<i>E.C. Sec. 200; Cal. Constitution Art. XX, Sec. 3</i>) 3. The requisite number of signatures on the nomination papers for that office, and a circulator's affidavit. Signers and circulators must meet the same qualifications as for regular nomination papers. (<i>E.C. Sec. 8602, 8603</i>)
HOW ELECTED	In order to be elected to any office, the write-in candidate must receive more votes than other candidates running for that office.
FILING FEE	<p>No fee or charge shall be required of a write-in candidate . . . (<i>E.C. Sec. 8604</i>)</p> <p>Exception: Candidates for San Diego Unified School District must pay the required filing fee and/or submit signatures in lieu of filing fee. (<i>San Diego Municipal Code Sec. 27.0321, 27.0322</i>)</p>
FILING PERIOD	<p>September 11 to October 24</p> <p>The statement and nomination papers shall be available on the 57th day prior to the election and shall be filed with the Registrar of Voters not later than the 14th day prior to the election. (<i>E.C. Sec. 8601</i>)</p>

CAMPAIGN SERVICES SEMINAR

This meeting's purpose is to describe and discuss services that are provided by the Registrar of Voters Office.

WHEN	Monday, August 21, 2006 9 a.m. <u>OR</u> 6 p.m. (approximately 2 hours each)
WHERE	Department of Planning and Land Use – Meeting Room 5201 Ruffin Road, Suite B, San Diego (approx. 50 yards east of Registrar of Voters) Parking is also available on the lower lot.
WHO IS INVITED	<ul style="list-style-type: none"> ◆ A candidate ◆ A campaign manager or consultant ◆ An election service vendor ◆ An elected official ◆ Anyone interested in what's available at the Registrar of Voters
RSVP	Feel free to invite others who may be interested. So we can plan for materials and seating, please RSVP by calling the Campaign Services Section at (858) 694-3406 to give your name, the number attending, and which session (morning or evening).

TOPICS TO BE COVERED

SERVICES AVAILABLE	<ul style="list-style-type: none"> ◆ CD ROM ◆ Computer Terminal Access ◆ Hard Copy Reports ◆ Labels ◆ Research Assistance ◆ Maps
COOPERATION	<ul style="list-style-type: none"> ◆ Voter Registration ◆ Absentee/Mail Ballot Voting ◆ Polls & Officers
VOTING PROCEDURES	<ul style="list-style-type: none"> ◆ Voting System ◆ Random Draw ◆ Ballot Rotation
BALLOT TABULATION	<ul style="list-style-type: none"> ◆ Results Availability ◆ Where/When/How Ballots Processed ◆ Observers
There will also be time for questions and answers.	

ABSENTEE/MAIL BALLOT VOTING

Candidates or campaigns planning to distribute mail ballot applications are advised, before implementation, to review the "Absentee/Mail Ballot Guidelines" prepared by the Secretary of State. **Critical points include:**

1. Approval of application format by Registrar of Voters, prior to printing.
2. Applications received from voters by campaigns must be returned to the Registrar of Voters within 72 hours.

A complete copy of the "Absentee/Mail Ballot Guidelines," which includes the application format, is available from the Registrar of Voters Office, and is provided at the Campaign Services Seminar.

Voting by mail is available to any registered voter. Obtaining a ballot at the Registrar of Voters Office or requesting a ballot through the mail before the election can be a convenient way to cast one's vote.

APPLICATION

HOW ABSENTEE VOTER APPLIES	<ul style="list-style-type: none"> ◆ Use application on back cover of sample ballot, OR ◆ Write a brief note or complete an application. ◆ Phone requests NOT taken due to required signature.
CONTENTS OF APPLICATION	<ul style="list-style-type: none"> ◆ Voter's printed name ◆ Residence address (not a PO Box) ◆ Address where ballot should be mailed ◆ Telephone number (optional) ◆ Birth date (optional) ◆ Voter's written signature
MAIL APPLICATION TO	REGISTRAR OF VOTERS P.O. Box 85520 San Diego, CA 92186-5520

SCHEDULE

October 9	Absentee/Mail ballots are available by mail or in person from the Registrar of Voters. (Requests received prior to October 9, 2006 will be held and processed beginning this date.)
October 31	Absentee/Mail ballot requests by mail must be <u>received</u> no later than 5 p.m. on this date.
November 1 to November 7	Emergency voting begins. Absentee ballots may be obtained and voted <u>in person</u> at the Registrar of Voters Office continuing through election day. An emergency statement, signed by the voter, is required.
November 7	Voted ballots must be <u>received</u> at the Registrar of Voters Office, or at any polling place in San Diego County, no later than 8 p.m. on election day.

For further information on Absentee/Mail Voting, please call (858) 565-5800.

REGISTRATION, MAPS AND ELECTION DATA

Listed below is a brief description of some of the services and materials available from the Registrar of Voters Office. Many of the items are to be used for specified purposes only, including political campaigns.

VOTER INDEX (aka: Walking Lists, Precinct Lists, etc.)	<p>Lists of voters are available for purchase. The purchaser will be required to:</p> <ol style="list-style-type: none"> 1. Show a picture identification card 2. Sign a form which states <ul style="list-style-type: none"> ◆ the specific purpose for which the list will be used, and that ◆ the list won't be used for unauthorized purposes 3. Pay in advance <p>Lists are available in various sorts:</p> <ul style="list-style-type: none"> ◆ <u>Current</u> registered voters ◆ Voters who have <u>voted</u> in specific election(s) ◆ <u>Date range</u> of voters (those who registered between two specified dates) ◆ Separated by <u>jurisdiction</u> or <u>party affiliation</u> <p>Additional sorts may be available, please ask for details.</p> <p>These lists show the voter's name, address, party affiliation, precinct number and telephone number (if provided by voter). The lists can be in "alpha" order or "address" order.</p>
DISTRICT MAPS	<p>Maps of the political districts are on file in the Precinct Planning Section and may be reviewed during regular office hours. The following maps are available for purchase from the Registrar of Voters:</p> <ol style="list-style-type: none"> 1. Precinct Maps (400' scale) - These maps depict precinct and major political boundaries. 2. District Maps - <u>City</u> of San Diego (3000' scale) and <u>County</u> of San Diego (2 mile scale) with individual overlays of Congress, State Senate, State Assembly and Supervisor boundaries. 3. Boundary Maps (8½ x 11) of Congress, State Senate, State Assembly and Supervisor Districts with minimal detail. 4. Precinct Wall Maps (2000') scale. <p>To obtain any of these maps, please call (858) 565-5800.</p>
VOTER FILE (CD ROM) AND OTHER COMPUTER REPORTS	<p>Various CD ROMs and hard-copy reports are available which list voters, streets, precincts, consolidations, polling places, registration figures, and election results. (Please contact the Registrar of Voters Office at (858) 694-3406 for details.)</p>
MAILING LABELS	<p>Self-adhesive labels are available from the Registrar of Voters. Labels can be produced for any election, with an option to select district, precinct or party. (Please ask for details.)</p>
<p style="text-align: center;">FOR FURTHER INFORMATION, PLEASE CALL (858) 694-3406.</p>	

FINANCIAL AND CAMPAIGN DISCLOSURE INFORMATION

(For Campaign Disclosure Filing Schedule, See Page 76)

The following information is meant to help candidates, officeholders, and political committees comply with federal, state, and local political finance laws. Read it carefully and use the resources prescribed before you begin any financial activity that might be considered political in nature.

Failure to file appropriate statements and reports in compliance with the election laws described below can result in substantial criminal, civil, and administrative penalties. Failure to file within the prescribed deadlines can lead to late filing penalties for each day the statement is late.

<p>STATE REQUIREMENTS</p>	<p>The Political Reform Act (Title 9 of the Government Code) was adopted by voter initiative in 1974 and has been periodically amended by state legislation and through ballot initiatives. The Act, in part, provides that:</p> <ul style="list-style-type: none"> ◆ Receipts and expenditures in election campaigns should be fully and truthfully disclosed in order that the voters may be fully informed and improper practices may be inhibited (<i>Gov. Code Sec. 81002a</i>) ◆ Assets and income of public officials which may be materially affected by their official actions should be disclosed ◆ In appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest may be avoided (<i>Gov. Code Sec. 81002c</i>) <p>The Political Reform Act is administered by the Fair Political Practices Commission (FPPC) which provides the Registrar of Voters with information manuals, instruction sheets, and disclosure forms that must be used in order for candidates, officeholders, and committees to comply with the Act.</p> <p>The Registrar of Voters provides these items in financial information packets available to all candidates, officeholders, and committees that might have filing obligations with the Registrar of Voters. Please obtain and refer to those packets for information and guidelines regarding financial disclosure requirements of the Act.</p> <p>Note: Some disclosure requirements must be met prior to the solicitation or receipt of any contribution or loan, and prior to use of any of the candidate's personal funds in support of their campaign. Please examine materials provided carefully so that compliance with the law is made.</p>
<p>LOCAL REQUIREMENTS</p>	<p>Local jurisdictions may adopt local ordinances that impose requirements on officeholders, candidates, and committees active only in their jurisdictions. Local jurisdictions may also impose contribution limitations in elections within their jurisdictions. These requirements and limitations are in addition to state requirements. A local campaign ordinance, however, never preempts state law. All city, county and state officeholders, candidates and committees must report contributions and expenditures on the FPPC's forms and comply with disclosure requirements/filing deadlines set forth in the Political Reform Act.</p> <p>Candidates for COUNTY OFFICES should refer to the San Diego County Election Campaign Finance and Control Ordinance for campaign finance requirements, including contribution limitations that are in addition to the requirements of the Political Reform Act. (The ordinance is available at the Registrar of Voters Office and is included in the financial information packets available to candidates for County Offices.)</p> <p>The following candidates and committees may also be subject to additional disclosure requirements or contribution limitations under local jurisdiction campaign ordinances:</p> <ul style="list-style-type: none"> ◆ Any local officeholders and candidates ◆ Committees primarily formed to support or oppose local candidates or local ballot measures ◆ City and county general purpose recipient committees ◆ City and county major donor and independent expenditure committees

FINANCIAL AND CAMPAIGN DISCLOSURE INFORMATION

(Continued)

FEDERAL REQUIREMENTS	<p>The Federal Election Campaign Act (2 U.S.C.. Section 441b) prohibits contributions from foreign nationals, national banks, or national corporations in connection with any local, state, or federal election for political office.</p> <p>Provisions of the Political Reform Act (described under "STATE REQUIREMENTS") DO NOT apply to elections for federal office, including the Office of the President and Vice President, nor seats in the House of Representatives or U.S. Senate. Candidates for federal office and committees that participate in federal campaigns are subject to federal disclosure requirements.</p> <p>Assistance for federal candidates and committees may be obtained from the Federal Election Commission at the address and telephone number shown below.</p>	
IMPORTANT ADDRESSES, AND TELEPHONE NUMBERS	<p>SAN DIEGO COUNTY Registrar of Voters</p> <p>Financial Disclosure 5201 Ruffin Rd, Suite I San Diego CA 92123 Phone: (858) 694-3407 Fax: (858) 694-2955 Internet: www.sdvote.com</p> <ul style="list-style-type: none"> • Local Committees and Candidates • Forms and Manuals • Filing Schedules • Review and Copy Filed Reports 	<p>SECRETARY OF STATE Political Reform Division</p> <p>PO Box 1467 (95812-1467) 1500 11th Street, Room 495 Sacramento CA 95814 Phone: (916) 653-6224 Fax: (916) 653-5045 Internet: www.ss.ca.gov</p> <ul style="list-style-type: none"> • Committee Identification Numbers • Termination of Committees
	<p>FEDERAL ELECTION COMMISSION</p> <p>999 E Street NW Washington DC 20463 Phone: (800) 424-9530 Internet: www.fec.gov</p> <ul style="list-style-type: none"> • Federal Campaign Disclosure • Contributions from National Banks, National Corporations and Foreign Nationals 	<p>FAIR POLITICAL PRACTICES COMMISSION</p> <p>PO Box 807 (95812-0807) 428 J Street, Suite 620 Sacramento CA 95814 Phone: (866) 275-3772 (Toll Free) Fax: (916) 322-0886 Internet: www.fppc.ca.gov</p> <ul style="list-style-type: none"> • Campaign Disclosure • State Contribution Limits • Conflict of Interest Disclosure • Lobbying Disclosure • Conflict of Interests Disqualification • Proper Use of Campaign Funds <p style="text-align: center;">To Report a Violation (800) 561-1861</p>
	<p>STATE FRANCHISE TAX BOARD</p> <p>(800) 338-0505 Internet: www.ftb.ca.gov</p> <ul style="list-style-type: none"> • Committee Tax Status • Tax Deductible Contributions • Charitable Non-Profit Groups • Any Other Tax-Related Questions 	
	<p>INTERNAL REVENUE SERVICE</p> <p>(800) 829-1040 Internet: www.irs.ustreas.gov</p> <ul style="list-style-type: none"> • Federal Taxpayer I.D. Numbers • Any Other Tax Related Questions 	

For information on campaign disclosure requirements, please contact:

Filing Officer
Registrar of Voters
County of San Diego
(858) 694-3407

OR

Fair Political Practices Commission
(866) 275-3772
(Toll Free)

CAMPAIGN DISCLOSURE WORKSHOPS

Presented by the

Fair Political Practices Commission

- Review of campaign forms tailored to candidates in November election.
- Mass mailing rules
- Campaign laws and restrictions

**There will be two identical workshops
in San Diego County.**

Tuesday, August 15, 2006

7 to 9 p.m.

Escondido Council Chambers
201 North Broadway, Escondido

Wednesday, August 16, 2006

1 to 3 p.m.

Registrar of Voters Office
5201 Ruffin Road, Suite I, San Diego (Kearny Mesa)

For more information, or if you would like to attend,
please call the Commission's Technical Assistance Division at
(916) 322-5660.

**Reservations are required
to ensure seating space and materials for all participants.**

FINANCIAL AND CAMPAIGN DISCLOSURE INFORMATION (Continued)

Campaign Statement Filing Requirements	<p>The Political Reform Act of 1974 requires all candidates for state and local elective office, all state and local elected officeholders, proponents of state ballot measures who control a ballot measure committee, and committees supporting or opposing state and local candidates, all measures, and petition circulation drives to file campaign disclosure statements disclosing contributions received and expenditures made.</p> <p>Candidates who anticipate receiving less than \$1,000 during the entire calendar year, exclusive of the costs of the filing fee and/or Statement of Qualifications if paid from personal funds, may reduce their filing obligation by filing a Form 470 (Officeholder and Candidate-Short Form). No further campaign statements need be filed for this election unless the \$1,000 threshold is reached (Gov. Code Sec. 84206)</p> <p>If, after filing a Form 470, the candidate's or officeholder's total contributions or total expenditures for the calendar year reach \$1,000, a Form 460 (Recipient Committee Statement <i>Long Form</i>) must be filed for the next reporting period.</p>
Termination of Filing Requirements	<p>Candidates, officeholders and committees DO NOT automatically terminate their filing requirements when activity ceases or when an officeholder vacates the office. An individual who qualifies as a candidate maintains that status until any potential campaign activity, which may be required to be disclosed, ceases and a Form 460 is filed along with a Form 410 (Statement of Organization).</p>
Campaign Expenditures From a Candidate's Personal Funds	<p>All money intended for use in the campaign, including personal funds, must be deposited in a campaign account. All campaign expenditures for the specific office must be made from the specified bank account. The funds in the account may not be used in connection with any other office sought.</p>
Statements are Public Record	<p>All statements filed are a matter of public record. They may be inspected at the Registrar of Voters office by anyone, and copies can be purchased at ten cents (.10) per page.</p>
Audits	<p>For certain offices, the law provides for investigations and audits of campaign statements. Candidates and committee treasurers should keep complete records and be prepared to submit supporting documents if such are requested</p>
Late Fees/ Fines/ Penalties	<p>Filing after a deadline may lead to late filing penalties of \$10 for each day the statement is late. Committees that fail to file are subject to administrative penalties of up to \$5,000 per violation. Statements must be hand delivered or postmarked as first-class mail by the due date. Certified mail is recommended but not a requirement. (Gov. Code Sec. 81007 & 91013)</p> <p>Violations of the campaign disclosure law may result in criminal prosecution by the State Attorney General or the County District Attorney or civil action by the Fair Political Practices Commission, the District Attorney, or a private citizen. (Gov. Code Section 91000 et seq.)</p> <p>It is the responsibility of candidates and/or committees to be aware of and to file the required campaign disclosure statements in a correct and timely manner. As a courtesy, the San Diego County Registrar of Voters mails reminder notices to candidates who, based on nomination documents, appear to have a campaign disclosure filing requirement. This notice is mailed approximately one week prior to a campaign disclosure filing deadline.</p> <p>If a candidate and/or committee with a campaign disclosure filing obligation fails to file in a timely manner, the non-receipt of a reminder notice MAY NOT be utilized (or rationalized) as the reason for late or non-filing.</p> <p style="text-align: center;">Filing is the responsibility of the candidate and/or committee!</p>
Late Contribution and/or Late Independent Expenditure Reports	<p>Each candidate or committee that makes or receives a late contribution (including a loan) of \$1,000 or more or makes a late independent expenditure of \$1,000 or more between October 22, and election day shall report it WITHIN 24 HOURS by fax or guaranteed overnight mail through the U.S. Postal Service or personal delivery. (Gov. Code Sec. 84203b)</p>
Campaign Funds	<p>All contributions must be segregated and shall not be commingled with personal funds of the recipient or any other person. (Gov. Code Sec. 84307)</p>
Contributions/ Expenditures	<p>No monetary contribution of \$100 or more shall be received in cash. No expenditure of \$100 or more shall be made in cash. (Gov. Code Sec. 84300a, b)</p>

FINANCIAL AND CAMPAIGN DISCLOSURE INFORMATION

(Continued)

“Candidate”	<p>“Candidate” refers to an individual who is listed on the ballot or has qualified to have write-in votes counted on his/her behalf for nomination or for election to any elective office, or who receives a contribution or makes an expenditure or gives his/her consent for any other person to receive a contribution or make an expenditure with a view to bringing about his/her nomination or election to any elective office, whether or not the specific elective office for which he/she will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he/she has announced his/her candidacy or filed a declaration of candidacy at such time.</p> <p>An individual who becomes a candidate shall retain his/her status as a candidate until such time as that status is terminated. (Gov. Code Sec. 82007 & 84214)</p>
“Committee”	<p>“Committee” refers to any person or combination of persons who directly or indirectly :</p> <ol style="list-style-type: none"> 1. Receives contributions totaling \$1,000 or more in a calendar year; 2. Makes independent expenditures totaling \$1,000 or more in a calendar year; or 3. Makes contributions totaling \$10,000 or more in a calendar year to or at the behest of candidates or committees. <p>The term “contribution” includes monetary payments, loans and non-monetary goods or services. A person or combination of persons that becomes a committee shall retain its status as a committee until such time as that status is terminated. (Gov. Code Sec. 82013)</p> <p>A committee receiving \$1,000 or more must file a Form 410 (Statement of Organization) within ten days of receipt.</p>
“Controlled Committee”	<p>“Controlled Committee” refers to a committee that is controlled directly or indirectly by a candidate or state measure proponent or which acts jointly with a candidate, controlled committee, or state measure proponent in connection with the making of expenditures. A candidate or state measure proponent controls a committee if he/she, his/her agent or any other committee he/she controls has a significant influence on the actions or decisions of the committee. (Gov. Code Sec. 82016)</p>

COMMON FILING REQUIREMENTS

Candidates and committee treasurers are encouraged to become familiar with all of the disclosure requirements and FPPC forms. However, many local candidates and committees raise and spend money only in connection with a particular election and then terminate their filing obligations. These candidates and committees are likely to file only a few of the FPPC’s many campaign forms. A list of these forms is provided below.

Candidates who spend less than \$1,000

- Form 501 – Candidate Intention Statement
- Form 470 – Officeholder/Candidate Campaign Statement-Short Form

Candidates who spend more than \$1,000

- Form 501 – Candidate Intention Statement
- Form 410 – Statement of Organization (also used for “Termination”)
- Form 460 – Recipient Committee Campaign Statement
- Form 497 – Late Contribution Report

Controlled Committees for local candidates

- Form 410 – Statement of Organization (also used for “Termination”)
- Form 460 – Recipient Committee Campaign Statement
- Form 465 – Supplemental Independent Expenditure Report
- Form 496 – Late Independent Expenditure Report (used for “24-hour reporting”)
- Form 497 – Late Contribution Report

FINANCIAL AND CAMPAIGN DISCLOSURE INFORMATION

(Continued)

FORM 410	Statement of Organization/Termination For use in organizing a committee, amending a Form 410, or termination a committee.
FORM 460	Recipient Committee Campaign Statement – Long Form For use by recipient committees which receive a cumulative contribution of \$100 or more from a single source and/or officeholder not eligible to file a Form 470 or who is filing jointly with one or more controlled committees. A controlled committee is one which is controlled directly or indirectly by a candidate or which acts jointly with a candidate or controlled committee in connection with the making of expenditures.
FORM 465	Supplemental Independent Expenditure Report For use by an officeholder, candidate or committee which makes independent expenditures totaling \$1,000 or more in a calendar year to support or oppose a single candidate, a single ballot measure, or the qualification of a single measure.
FORM 470	Candidate and Officeholder Campaign Statement – Short Form For use if less than \$1,000 has been raised or spent by or on behalf of the candidate, and he/she anticipates raising or spending less than \$1,000 for his/her candidacy for the entire calendar year.
FORM 496	24 Hour Independent Expenditure Report For use by individuals or groups that make an “independent” expenditure with 16 days before the election. The (aggregated) expenditure must expressly advocate the election, nomination, or defeat of a clearly identified candidate, or the qualification, passage, or defeat of a clearly identified measure. Furthermore, this expenditure cannot be made to or at the behest of the affected candidate or committee. If it is, the expenditure is then an “In-Kind Contribution.”
FORM 497	Late Contribution Report For use by candidates or committees that receive within the 16 days before the election a contribution (including loans or any combination of monetary and non-monetary contributions) that totals \$1,000 or more from a single source.
FORM 501	Candidate Intention Statement For use by candidates prior to solicitation or receipt of any contributions, or expenditure of any personal funds used for the election.
FORM 700	Statement of Economic Interests For use to publicly disclose personal assets and income. “Candidates” in specified jurisdictions (see chart on Page 17) must file this form with their nomination papers. However, once elected ALL “officeholders” must file this report, whether or not it was required during the nomination period.
All the forms above may be downloaded from the Fair Political Practices Commission at: www.fppc.ca.gov	

* WHERE TO FILE CAMPAIGN DISCLOSURE STATEMENTS

Form Number	When to File:	Original + One Copy Filed Here:	Other Copies Filed Here:
501	Before any money is raised or spent	San Diego County Registrar of Voters	N/A
410	Within 10 days of receiving \$1,000 in contributions	Secretary of State's Office Political Reform Division PO Box 1467 Sacramento, CA 95812-1467	San Diego County Registrar of Voters
Amended 410	Within 10 days of whenever changes on the original 410 need to be made		
460	According to the schedule on Page	San Diego County Registrar of Voters	N/A
470	On or before the First Pre-Election Report due date		
496	Within 24 hours of a \$1,000 independent expenditure being made		
497	Within 24 hours of a \$1,000 contribution (from one source) being received		

* This chart applies to local school district and special district candidates **ONLY**.

Filing procedures are different for Federal, Statewide, State Assembly, and State Senate candidates.

- Candidates for “state” offices are encouraged to contact the Secretary of State’s office and the Fair Political Practices Commission: www.ss.ca.gov or www.fppc.ca.gov
- Candidates for Federal offices should contact the Federal Elections Commission: www.fec.gov

Note: Unsigned forms are incomplete and not considered filed until they are signed.

FINANCIAL AND CAMPAIGN DISCLOSURE INFORMATION

(Continued)

Candidates for Local Office

Committees Primarily Formed to Support/Oppose Local Candidates

Committees Primarily Formed to Support/Oppose Local Measures

Being Voted on
November 7, 2006

FILING DEADLINE	TYPE OF STATEMENT	PERIOD COVERED BY STATEMENT ^{1/}	METHOD OF DELIVERY
July 31, 2006 ^{2/}	Semi-Annual	1/1/06 - 6/30/06	✓ Personal Delivery ✓ First Class Mail
October 5, 2006	Pre-election	^{1/} – 9/30/06	✓ Personal Delivery ✓ First Class Mail
October 26, 2006	Pre-election	10/1/06 – 10/21/06	✓ Personal Delivery ✓ Guaranteed Overnight Service
Within 24 Hours	Late Contributions ^{3/} and Independent Expenditures of \$1,000 or More ^{4/}	10/22/06 - 11/6/06	✓ Personal Delivery ✓ Guaranteed Overnight Service ✓ Fax
January 31, 2007	Semi-Annual	10/22/06 - 12/31/06	✓ Personal Delivery ✓ First Class Mail

Footnotes:

- 1/ The period covered by any statement begins on the day after the closing date of the last statement filed, or January 1, if no previous statement has been filed.
- 2/ Incumbent officeholders being voted on November 7 and their controlled committees must file this report. (Officeholders whose salaries are less than \$200 per month and judges file only if contributions were received or expenditures made during the period.) Non-incumbent candidates and their controlled committees, and committees primarily formed to support or oppose candidates or ballot measures being voted on November 7, must file this report if contributions or expenditures were made during the period January 1 through June 30, 2006.
- 3/ The recipient of a late in-kind contribution must file a late contribution report within 48 hours from the time the in-kind contribution is received.
- 4/ A controlled committee of a candidate may not make an independent expenditure to support or oppose another candidate. (Gov. Code Sec. 85501)

Additional Notes:

- ❖ Except for deadlines that fall on a Saturday, Sunday, or an official state holiday, there is no provision in the law for extending a filing deadline. Late statements are subject to a \$10 per day late fine.
- ❖ If independent expenditures of \$1,000 or more are made in connection with the election, call the FPPC for guidance on filing special reports.
- ❖ All statements are public documents.

**FPPC Toll-Free Helpline: 1-866-ASK-FPPC
1-866-275-3772**

MISCELLANEOUS INFORMATION

SAMPLE BALLOTS	Sample ballot pamphlets are mailed two to four weeks before the election to each registered voter eligible to vote in this election. Voters who register or re-register between 38 and 15 days before the election will receive sample ballots or other voting information including directions to the polls (if applicable).
CALIFORNIA BALLOT PAMPHLET (STATE PAMPHLET)	This pamphlet contains all of the state measures, accompanying text (analysis, arguments, rebuttals, etc.) and statements of qualifications for candidates seeking statewide office. The Secretary of State mails the pamphlet (one per household) during the month before the election to "early" registered voters. The Registrar of Voters mails the pamphlet to voters who register within 60 days of the election.
VOTER REGISTRATION DEADLINE	Monday, October 23 is the last day to register to vote in the November 7 General Election.
ELECTIONEERING AT THE REGISTRAR OF VOTERS OFFICE	Registrar of Voters Office is a polling place and the wearing or displaying of election campaign material is prohibited.
CANDIDATE'S POLLING PLACE	Registrar of Voter's policy does not allow candidates or family members to host a polling place or act as a poll worker in the candidate's jurisdiction.
CANDIDATE'S EMPLOYMENT	Registrar of Voter's policy does not allow candidates or family members to work as temporary employees for the Registrar of Voters Office during their candidacy.
ELECTION DAY ACTIVITIES	The polls will be open from 7 a.m. to 8 p.m. Campaigning is not allowed within 100 feet of the entrance to a polling place. This includes: circulating <u>any</u> petition, soliciting votes, exhibiting any campaign signs, or any other electioneering.
ELECTION NIGHT ACTIVITIES	<p>The polls are officially closed at 8 p.m. Election activity then changes from what was primarily voter participation at the polls to vote tabulation at the Registrar of Voters Office counting site. Certain check-in and processing procedures take place at the counting site; next, the voted ballots are tallied by computer and the cumulative election returns are available to candidates, the news media, and the public. Beginning at 8 p.m., the public is invited to watch this vote tabulating process from the "Public Viewing Areas."</p> <p>Absentee/mail ballot voting results will be reported first, at approximately 8:15 p.m. The next bulletin will be issued at approximately 9:30 p.m. and every 20 to 30 minutes thereafter.</p>
ELECTION RESULTS	<p>Election results will be available at "Election Central"/Golden Hall (202 C Street, downtown San Diego) on election night beginning at 8 p.m. until all precincts are reported and their ballots counted (approximately 1 a.m.). Election results will also be provided by phone or the Internet to anyone wishing to monitor the returns that night or the days after:</p> <p style="text-align: center;">Telephone: (858) 565-5800 Internet: www.sdvote.com</p> <p>Provisional and additional absentee/mail ballots will be counted during the four weeks following the election. Bulletins with these "add-on counts" will be available at the front counter of the Registrar of Voters Office. The results on the internet will also be updated after each "add-on count."</p> <p>The semi-official <u>precinct</u> breakdown will be available the day after the election at the Registrar of Voters Office for anyone who wishes to review the results.</p>
OFFICIAL CANVASS OF THE RETURNS	The Registrar of Voters shall conduct the official canvass of the returns. When completed (within 28 days following the election), a certified statement of the results will be submitted to the Secretary of State, the Board of Supervisors and affected jurisdictions.

POLITICAL ADVERTISEMENT REQUIREMENTS

(Elections Code Section 20008)

NEWSPAPER AD REQUIREMENTS	Any paid political advertisement which refers to an election or to any candidate for state or local elective office and which is contained in or distributed with a newspaper, shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the advertisement or in 10-point roman type, whichever is larger, the words "Paid Political Advertisement." The words shall be set apart from any other printed matter.
DEFINITION	As used in this section "paid political advertisement" shall mean and shall be limited to, published statements paid for by advertisers for purposes of supporting or defeating any person who has filed for an elective state or local office.

MASS MAILING OF CAMPAIGN LITERATURE

REGISTRAR OF VOTERS DUTIES	A copy of Section 84305 of the Government Code (see below) shall be provided by the Registrar to each candidate or his or her agent at the time of filing the declaration of candidacy . . . (E.C. Sec. 16)
PUBLIC EXPENSE	No newsletter or other mass mailing shall be sent at public expense. (Gov. Code Sec. 89001)
DEFINITION	"Mass mailing" means over 200 substantially similar pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter or other inquiry. (Gov. Code Sec. 82041.5)

CALIFORNIA GOVERNMENT CODE SECTION 84305

- (a) Except as provided in subdivision (b), no candidate or committee shall send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the organization's address is a matter of public record with the Secretary of State.
- (b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.
- (c) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).

SIMULATED BALLOT REQUIREMENTS

(Elections Code Section 20009)

- a) Every simulated ballot or simulated sample ballot shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the statement or words or in 10-point roman type, whichever is larger, in a printed or drawn box and set apart from any other printed matter, the following statement:

NOTICE TO VOTERS

(Required by Law)

This is not an official ballot or an official sample ballot prepared by the county elections official or the Secretary of State. This is an unofficial, marked ballot prepared by (insert name and address of person or organization responsible for preparation thereof).

Nothing in this section shall be construed to require any such notice in any editorial or other statement appearing in a regularly published newspaper or magazine other than a paid political advertisement.

- b) No simulated ballot or simulated sample ballot referred to in subdivision (a) shall bear any official seal or the insignia of any public official entity, nor shall that seal or insignia appear upon the envelope in which it is mailed or otherwise delivered.
- c) The superior court, in any case brought before it by any registered voter, may issue a temporary or permanent restraining order or injunction against the publication, printing, circulation, posting, or distribution of any matter in violation of this section, and all cases of this nature shall be in a preferred position for purposes of trial and appeal, so as to assure the speedy disposition thereof.

(The Board of Supervisors' policy on the following pages governs the Community Planning Groups in the County of San Diego.)

COUNTY OF SAN DIEGO

Policy I-1 - Planning and Sponsor Group Policies and Procedures

Purpose

To establish policy and procedures for the establishment and operation of planning and sponsor groups. This policy shall also establish procedures for the groups' primary responsibilities of updating the County General Plan and reviewing discretionary regulatory projects.

Background

The County General Plan, adopted by the Board of Supervisors, meets the requirements of State law and provides broad guidelines for the proper development of the County. An accepted method for refining and updating the General Plan is to prepare, adopt and implement local plans for the various unincorporated communities in the County.

Local planning is more responsive to local needs if there is a high level of citizen participation in the planning process. The policies and procedures that follow are intended to encourage citizen participation and to provide a uniform process in the preparation, revision and implementation of community and subregional plans for unincorporated areas of the County and for the creation of planning and sponsor groups. These groups work closely with the local citizenry to help guide the course of growth in their respective planning areas.

Policy

It is the policy of the Board of Supervisors that:

Representative planning groups and sponsor groups be formed in the communities and subregions of the unincorporated area for the purpose of advising and assisting the Director of Planning, the Planning and Environmental Review Board, the Zoning Administrator, the Planning Commission and the Board of Supervisors in the preparation, amendment and implementation of community and subregional plans.

The procedures set forth herein shall be followed in the establishment of community and subregional plan boundaries, the formation of planning and sponsor groups and in the preparation, amendment, and implementation of community and subregional plans. Further, the groups may advise the appropriate boards and commissions on discretionary projects as well as on planning and land use matters important to the community.

The procedures set forth herein shall also guide the operations of all planning and sponsor groups, including the consideration of planning business in public meetings and the administration of internal responsibilities that must be carried out by all planning and sponsor groups throughout the year.

COMMUNITY BOUNDARIES

The Department of Planning and Land Use shall maintain a map of the unincorporated area of the County of San Diego identifying the boundaries of all community and subregional plan areas, as well as sponsor group areas. The boundaries shall reflect commonality of interest, topography, access, and existing district boundaries to the greatest extent possible. If the boundaries of community and subregional plan areas are revised, voting precinct boundaries shall also be revised if necessary to conform to these new boundaries.

The boundaries of group areas shall be defined at the time a group is established by the Board. The map shall be reviewed periodically by LAFCo and SANDAG staff for consistency with planning efforts of the various incorporated cities.

Each planning area and subregion shall be identified by name. The boundary map shall be reviewed periodically by the Planning Commission and the Board. During such review, boundaries may be changed for good cause by the Board after notification and comment by affected planning or sponsor groups. The Registrar of Voters shall be notified within 30 days of the Board of Supervisors' actions. There shall be no boundary changes within 180 days prior to an election.

SPONSOR GROUP FORMATION

The principal function of a sponsor group is to be an information linkage between the community and County on matters dealing with planning and land use.

A sponsor group may be formed through two different approaches to the Board of Supervisors. Any community organization in an area where there is no elected planning group may seek designation by the Board of Supervisors as a sponsor group upon obtaining the recommendation of the Supervisor(s) for their district. Formation of a sponsor group may also be initiated upon the recommendation to the Supervisor of the district in which the need for a group has been indicated. Nominations for

Policy I-1 - Planning and Sponsor Group Policies and Procedures (Continued)

membership may be solicited from the community-at-large, by planning staff, and/or the staff of the Supervisor's office. Each member must be appointed by the Board of Supervisors and cannot function as a sponsor group member until such appointment has taken place. Subsequent vacancies shall be filled in the manner specified in Article II, Section IV of the Planning and Sponsor Group Bylaws contained in this Policy. The term of membership for sponsor groups is provided in Article II, Section III of said Bylaws.

The members of a sponsor group may, upon the recommendation of the Supervisor of their district and authorization by the Board, stand for election as members of a planning group, thus bringing to an end their sponsor group status.

COMMUNITY PLANNING GROUP FORMATION

The formation of community planning groups is authorized by the Board of Supervisors and the members are elected by the registered voters in the community planning area.

Elections for planning groups that have been authorized by the Board of Supervisors will be conducted by the County Registrar of Voters the first Tuesday after the first Monday in November of each even-numbered year. Except as otherwise specifically provided herein, elections will be administered according to the California Elections Code (Sections 23500 to 23559).

Members shall serve a four-year term, except as otherwise specified herein.

Planning group members will retain their membership until the first Monday after January 1 following the election, after which, if reelected, they will begin a new term. If not reelected, members may retain membership until replaced by the newly elected members of the planning group.

If by 5:00 p.m., on the 88th day prior to the election, the number of candidates does not exceed the number of positions to be filled, the Registrar of Voters shall not conduct an election of such planning group, but shall certify the qualified candidates to the Board of Supervisors for appointment. When the number of available positions equals or exceeds the number of qualified candidates, the Board of Supervisors shall, during a regular Board meeting, appoint qualified persons to the planning group as nominated by the Supervisor(s) of the applicable district(s). In either case, appointments shall become effective the first Monday after January 1 following the election date. Notwithstanding the foregoing, no person elected to membership on a planning group shall have, as against the County, the right to any specific term of membership and the County may call an election for any group whenever the Board of Supervisors deems appropriate.

Only registered voters living in the planning area are eligible to be candidates and to vote in the election of the planning group for that planning area. Candidates may obtain petition of nomination forms from the office of the Registrar of Voters beginning on the 113th day prior to the election. To be a qualified candidate, the completed forms must be filed with the Registrar of Voters office by 5:00 p.m., at least 88 days prior to the election. There shall be no 5-day extension for candidate filing if an incumbent fails to file by the 88th day before the election.

The Registrar of Voters shall number each seat on the planning group 1 through 15. For the purpose of election and filing vacancies, each planning group member shall be designated as filling a numbered seat.

The even-numbered seats shall be up for election in 1986 and every 4 years after that. The odd-numbered seats shall be up for election in 1988 and every 4 years after that.

The specific number of seats up for re-election shall not appear on the ballot. Instead the ballot shall state "Vote for no more than Seven" or "Vote for no more than Eight" (with appropriate changes for subregional areas), depending on which terms are expiring. In cases where the Board of Supervisors makes appointments to the group due to an insufficient number of candidates, such appointments shall specify the seat number which the appointee is to fill.

In a newly authorized planning group, the 15 individuals receiving the highest number of votes shall become members of the planning group. The top eight will receive a 4-year term, and the remainder will receive a 2-year term. This rule will apply to the formation election only.

The successful individuals, as certified by the Registrar of Voters shall become members of the planning group beginning on the first Monday after January 1 following the election. The Registrar of Voters shall provide each newly elected individual with a copy of the certified election results. Any person who fails to comply with any of the requirements as outlined by the Registrar of Voters shall be ineligible for membership on a planning group.

The recall of a planning group member shall be governed by the provisions of Division 11 of the California Elections Code, as it presently exists or may be amended in the future, regarding the recall of local officers. A planning group member shall be regarded as a local officer solely for the purpose of implementing the recall provisions of Division 11. The terms "governing board" and "governing body" referenced in Division 11 mean, for the purpose of implementing the recall provisions of Division 11, the community planning group whose member is the subject of a recall petition. The Registrar of Voters shall determine the method of conducting a recall election for a planning group member.

When a vacancy occurs it shall be filled in the manner specified in Article II, Section IV of the bylaws.

Policy I-1 - Planning and Sponsor Group Policies and Procedures (Continued)

Election of Planning Groups in Subregions

To ensure adequate neighborhood representation for each section in a subregion, the Board of Supervisors may identify sections of the subregion and determine the number of members and numbered seats to be filled from each section, at least 180 days in advance of the election, and direct the Registrar to so indicate on the ballot. Only registered voters living in a given section of a subregion are eligible to represent that section on the planning group. All registered voters in the subregion may vote to elect members for vacant seat(s) from each section. If the number of candidates does not exceed the number of vacancies in each section, the Registrar shall not conduct an election for that section but shall certify the qualified candidates to the Board of Supervisors for appointment.

If a planning group member changes his/her legal address to a different section of the subregion from that in which he/she was elected or appointed to represent, that group member shall immediately forfeit his/her position in the planning group. This vacancy may then be filled by a resident from that section of the subregional plan area where the vacancy occurred in accord with Article II of the bylaws.

FINANCIAL DISCLOSURE

No person who is a candidate for membership on a community planning group shall accept or receive any campaign contribution which either: (1) is from a source other than a natural person; or (2) will cause the total amount contributed by the same person (other than the candidate himself or herself) with respect to a single election, including contributions to any agent or committee on behalf of the candidate, to exceed the sum of \$250.00.

Financial disclosure statements shall be filed as follows:

At the time of filing the petition for nomination with the Registrar of Voters, planning group candidates shall file, and within 30 days of assuming office sponsor group and planning group members shall file, financial disclosure statements disclosing all financial interests in disclosure categories 1, 2, 3 and 7 below (investments, interests in real property and business positions). Thereafter, sponsor group and planning group members shall file annually (no later than March 31 covering the preceding calendar year), and within 30 days of leaving office, financial disclosure forms disclosing all financial interests in all disclosure categories below. All statements by candidates for and members of planning groups shall be filed with the Registrar of Voters. All statements by members of sponsor groups shall be filed with the Clerk of the Board of Supervisors.

Financial disclosure statements shall be made on forms prescribed by the Fair Political Practices Commission (FPPC) and supplied by the Department of Planning and Land Use. The jurisdiction to which the financial disclosure requirements relate shall be the sponsor or community planning group area served by the group member, and real property shall be deemed "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction. (See Gov. Code § 82035) The members shall provide all financial information in respect to investments, real property and income relating to the jurisdiction required on the FPPC disclosure forms in the following disclosure categories:

1. Investments (other than those held by a business entity or trust).
2. Interests in Real Property (other than those held by a business entity or trust) "Interests in Real Property" does not include the principal residence of the filer for purposes of disclosures.
3. Interest in Real Property and Investments Held by Business Entities and Trusts.
4. Income (other than loans and gifts)
5. Income – Loans
6. Income – Gifts
7. Business Positions
8. Commission Income, Income and Loans to Business Entities and Income From Rental Property

In addition, candidates for membership of a planning group shall file with the Registrar of Voters campaign disclosure statements in accordance with the requirements of Chapter 4 of the Political Reform Act of 1974 (Gov. Code Section 84100 et. seq.).

OPERATION OF PLANNING GROUPS AND SPONSOR GROUPS

Conduct and operation of the planning and sponsor groups is governed by this policy, Board Policy I-1A and the Brown Act, as well as by Standing Rules that may be adopted by the groups. Standing Rules may supplement this policy but may not supersede it in any manner.

Planning and sponsor group members are not County officials. They act in an advisory capacity to the Director of Planning, Planning and Environmental Review Board, the Zoning Administrator, the Planning Commission, the Board of Supervisors, and others involved in the County planning process. Such planning and sponsor groups are not empowered by ordinance or policy to render decisions of any kind on behalf of the County of San Diego or its appointed or elected officials. These groups are recognized as having a working relationship with the County on planning and land use matters. Community issues not related to planning or land use are not within the purview of these groups.

Policy I-1 - Planning and Sponsor Group Policies and Procedures (Continued)

No planning or sponsor group member shall request any project proponent to make any contribution of money, goods, services or any other things of value to the community or to any person or organization within the community as a condition of or for receiving the favorable vote of the group or any of its members. This shall not prohibit the members from recommending conditions for approval of the development proposal which are authorized by State law or County ordinance.

Disqualification

No planning or sponsor group member shall make, participate in making, or in any way attempt to use his or her position on the planning or sponsor group to influence the making of any decision which he or she knows or has reason to know will have a reasonable foreseeable material financial effect, distinguishable from its effect on the public generally, on:

- (a) Any business entity in which the member has a direct or indirect investment worth one thousand dollars (\$1,000) or more;
- (b) Any real property in which the member has a direct or indirect interest worth one thousand dollars (\$1,000) or more;
- (c) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the member within twelve months prior to the time when the decision is made;
- (d) Any business entity in which the member is a director, officer, partner, trustee, employee, or holds any position of management; or
- (e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the member within 12 months prior to the time when the decision is made.

Manner of Disqualification

When a planning or sponsor group member determines that he or she should not make a decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. This determination and disclosure shall be made part of the group's official records. (See County Counsel companion letter to Policy I-1.)

"Representation of Personal Interests"

A member who is disqualified above may appear before the Group in the same manner as any other member of the general public solely to represent himself or herself on a matter which is related to his or her personal interests. 'Personal interests' include:

- (a) An interest in real property wholly owned by the member or the member's immediate family; or
- (b) A business entity which is either wholly owned by the member or the member's immediate family, or is under the member's sole direction and control or the sole direction and control of the member and the member's spouse jointly."

Planning and Sponsor Group Meetings

All meetings shall be open to the public and shall be held in a public place which is a place known to the community as a facility used for public assembly. Notices of all meetings except subcommittee meetings shall be placed in community newspapers, if available, or posted in a public place in the community if there is no community newspaper. Such notice shall be made at least five days prior to the meeting date and the agenda must be posted 72 hours before the meeting convenes. In addition, preliminary notices will be sent by the County to any one requesting them. A fee may be charged for sending such notices.

The Chair shall appoint the chair of all subcommittees (except the nominating subcommittee) and all its members with the concurrence of a majority of the group. There may be standing as well as ad hoc subcommittees. Chairs of subcommittees must be members of the group. Membership on the subcommittee is open to all interested citizens, but requires nomination by the Chair and appointment by the group. All members of a subcommittee may vote on subcommittee matters. However, at group meetings, only authorized group members may vote.

Policy I-1 - Planning and Sponsor Group Policies and Procedures (Continued)

Election of Officers

Officers shall be elected annually for the positions of Chair, Vice-Chair, Secretary and other offices as may be provided for by the group. The Chair is the presiding officer, oversees all the activities of the group and its subcommittees, and is responsible for all appointments. The duties of the Vice-Chair shall be determined by the Chair. The Vice-Chair also presides over group meetings in the absence of the Chair. The Secretary maintains the records of the group's proceedings and correspondence.

Political Activity

The group will not endorse or support any political activity or candidate for elective office. The group may, however, provide a public forum for the discussion of planning issues which are important to the community.

Legal Defense and Indemnification

Planning group members may receive legal defense and indemnification through the Office of County Counsel if the criteria in Board Policy I-1A are met. To be eligible to receive County Counsel assistance, a group member must make a written request to County Counsel for defense and indemnification within 5 working days of having been served with legal papers. The County of San Diego may decline to defend a Group member under the circumstances specified in Board Policy I-1A.

Planning and Sponsor Group Assistance

County staff is available to assist the planning and sponsor groups. The Department of Planning and Land Use shall coordinate staff support for the groups. Assistance may be requested for periodic training regarding areas of concern and for staff attendance at meetings to give additional information on selected projects.

The Department shall also provide an orientation for new members of the groups, interpret and recommend revisions of Policy I-1, recommend changes in planning area boundaries, recommend creation of new groups and provide general resolution of problems that may arise in the course of group activities. The Department shall coordinate the appointments and confirmation of new planning group and sponsor group members with the Board of Supervisors, the Registrar of Voters, and the Director of the Community Involvement Office as necessary. The Department shall administer a budget which may be used by the groups to cover authorized expenses incurred by the group while doing group business. The allocation of the budget among the groups shall be reviewed annually and shall reflect the workload of the group, and the status of the group as either a sponsor or planning group.

PLAN PREPARATION

During the preparation or update of a community or subregional plan, the role of the planning or sponsor group is to advise and provide recommendations to the Planning Commission and Board of Supervisors on the proposed plans. The group shall be assisted by County staff in preparing the plan and related documents pursuant to this policy.

Research and Analysis

During the research phase, staff may gather data on existing and needed public services, population, environmental constraints and other information related to the potential for development within the community or subregional plan area. A community conference may be sponsored by the planning or sponsor group to identify community needs, aspirations and issues.

During this stage of the program, the group should become familiar with the adopted County-wide General Plan, and the existing Community Plan and Text. The needs of the community should be assessed, and the data prepared by staff should be reviewed by the group.

Goals and Policies

Based on the community conference, the adopted County-wide General Plan, and other relevant planning policies, staff shall prepare draft goals and policies for the consideration of the group. The purpose of the draft goals and policies shall be to give direction to the subsequent more specific detailed planning that will be done to complete a preliminary plan. The draft goals and policies may address community preference with respect to the appropriate timing for annexation or incorporation of areas within the community or subregional plan area.

The planning or sponsor group shall review and revise the staff prepared goals and policies with staff assistance and approve a draft set of goals and policies for publication. Any conflicts between the preliminary goals and existing County policy or planning principles will be resolved at this time. The draft goals and policies shall be well publicized throughout the community and the group shall hold an open community meeting to discuss the draft. Subsequent to the meeting, acceptance of the final draft goals and policies will be by a majority vote of the authorized group membership.

Policy I-1 - Planning and Sponsor Group Policies and Procedures (Continued)

Plan Formulation

Based on the accepted community goals and policies, staff will prepare a preliminary plan consisting of a land use map, proposed zoning and a text setting forth goals, policies, and standards. In the course of scheduled public meetings, staff proposals will be revised by the planning group. With the help of community input during these meetings, a revised preliminary plan, hereafter referred to as the proposed plan, will be prepared and approved by the group.

Staff will identify for the group, the Planning Commission and the Board of Supervisors any differences between the proposed plan and existing County policy, fundamental planning principles, or the accepted community goals and policies. Differences thus identified would result in a recommendation to either change County policy or the proposed plan.

There may be instances where staff and the group disagree on parts of the proposed plan in which case both proposals should be brought forward to the Planning Commission and the Board of Supervisors.

The expenditure of County funds is authorized to pay for the printing and distribution of a preliminary goals report and preliminary plan map and report for a community which has been duly authorized by the Board to prepare or update a community or subregional plan, subject to the existence of sufficient funds in the Department budget for such publication and distribution.

The preparation of a community or subregional plan or its update shall be completed within two years from the date of Board authorization, unless specifically modified or extended by action of the Board of Supervisors. The proposed plan shall then be processed with all due speed in compliance with applicable environmental review, public hearing notification and general plan amendment scheduling as determined by the Board of Supervisors.

PLAN ADOPTION

Planning Commission Hearing

Staff will prepare the necessary notice of public hearing and other documents as required by law. If feasible, the Planning Commission may hold its hearing in the planning area. It is the responsibility of the group to assist staff in presenting the proposed plan at the hearing.

The purpose of the public hearing is to assure everyone an opportunity to present testimony on the proposed plan and proposed zone reclassifications. Since every citizen of the County will be affected either directly or indirectly by the plan, the hearing is an important part of the democratic process. Upon completion of the hearing, the Planning Commission may approve the plan and recommend its adoption to the Board of Supervisors or may recommend revisions to the plan.

Board of Supervisors Hearing

The Board of Supervisors must also conduct an advertised public hearing. After closing the hearing, the Board may adopt the plan or direct that the plan be revised. In the latter case, the plan must be returned to the Planning Commission for a recommendation on any substantial proposed revisions not previously considered by the Planning Commission, prior to the final adoption of the plan by the Board of Supervisors.

PLAN IMPLEMENTATION

Proponents of development should be encouraged to submit their development proposals to the planning groups for a preliminary review prior to formal application to the County. This procedure could be more cost effective to the applicant and could result in earlier resolution of local concerns. Preliminary review does not eliminate or replace the group's formal review and/or appeal rights as a part of the normal application process.

The planning or sponsor group shall advise the Planning and Environmental Review Board, the Zoning Administrator, the Planning Commission and the Board of Supervisors in the implementation of the adopted community or subregional plan. In carrying out this responsibility, the group shall advise on development proposals, rezones, general plan amendments, and similar matters which would impact their planning area. Planning and sponsor group comments on these proposals are strictly advisory. Groups may determine which projects they will review and have the responsibility of securing information from the County regarding proposed projects. Group recommendations must be in writing, and must represent a majority of the planning or sponsor group's authorized membership. Minority opinions shall be accompanied by a statement identifying what portion of the group endorses the statement.

The group shall forward its recommendation to the appropriate County hearing body or the department. It is the responsibility of the group to submit its recommendations within the normal processing schedule, allowing for inclusion of the recommendation in transmittal documents to the Planning and Environmental Review Board, the Zoning Administrator, the Planning Commission and the Board of Supervisors. The staff report to the hearing body or official shall indicate if the County has received an official recommendation and/or a minority report from the affected planning or sponsor group. If no recommendation is provided, the hearing body or official may request one.

Policy I-1 - Planning and Sponsor Group Policies and Procedures (Continued)

Proposed Publicly-Initiated Planning and Land Use Actions

The planning or sponsor group may make recommendations on proposed publicly-initiated planning and land use actions based on their consistency with the adopted community or subregional plan.

County staff shall inform the group of all proposed publicly-initiated planning and land use actions, including zoning, proposed plan amendments, and text revisions. Such proposals shall be presented to the group for review prior to being presented to the Planning Commission and Board of Supervisors.

Proposed Privately-Initiated Actions

The planning and sponsor groups may make recommendations on proposed privately-initiated planning and land use actions based on their consistency with the adopted community or subregional plan. Each group may review and make recommendations on private development applications according to the following process:

1. The Department of Planning and Land Use shall provide each group with timely notice of private development or land use proposals that are filed with the County.
2. The Department of Planning and Land Use shall be responsible for providing each group with a copy of maps and other support documents associated with each project.
3. The mailed public notices, mailed by County staff, shall include a statement providing the following information: Name of the responsible planning/sponsor group, where and when the group meets, where posting of final agenda occurs.
4. Each group shall be responsible for selecting those projects which it deems sufficiently significant for review. The project's proponents should be notified by the group of the meeting at which the group expects to make a recommendation.
5. Each group shall conduct its meetings in accordance with all legal requirements necessary to assure the project's proponents and opponents receive a fair opportunity to be heard.
6. Each group shall be responsible for completing its review, writing its recommendation and forwarding it to the Department of Planning and Land Use in a timely manner so that the recommendation can be included in transmittal of the project to the applicable hearing body or officer.
7. The staff report on private development proposals shall include the official advisory group recommendation. If such a recommendation is not provided by the group, the staff report shall indicate that no statement was filed by the planning group.

APPEAL PRIVILEGES

The planning and sponsor groups are authorized free appeal privileges on all discretionary land use matters.

The decision to file an appeal must be approved by a majority of the group's authorized membership. If no group meeting is scheduled prior to the end of the appeal period, the chair of the group may file the appeal or must file the appeal if so directed by petition of a majority of the group's membership. The decision to appeal shall then be confirmed by a majority of the group's authorized membership at their next meeting. Failure to achieve a majority vote in favor of appeal shall require the group to withdraw the appeal.

PLAN AMENDMENTS

It is the role of the planning and sponsor groups to review and make recommendations on proposed amendments to the adopted community or subregional plan. Staff shall present such proposals to the group for review prior to their being transmitted to the Planning Commission and the Board of Supervisors.

PLAN REVISION

Upon authorization of the Board of Supervisors, a comprehensive revision to an existing community plan may be undertaken and the provisions of this policy will apply as in the case of the original plan preparation. Staff is not authorized to work on comprehensive plan revisions without specific Board authorization.

GROUP BYLAWS AND STANDING RULES

Authority for the establishment and operation of all planning and sponsor groups lies in the Board of Supervisors Policy I-1. The bylaws included herein describe the purpose, functions and operating procedures for all groups. An individual group may supplement these bylaws with additional rules, if deemed necessary by the group. However, those rules shall be viewed as ancillary to the Policy's bylaws and shall not contradict or supersede them. Standing rules that relate to the details of the administration of the group rather than to parliamentary procedure may be adopted by a majority vote of the authorized membership.

Policy I-1 - Planning and Sponsor Group Policies and Procedures (Continued)

PLANNING AND SPONSOR GROUP BYLAWS

ARTICLE I - PURPOSE AND AUTHORITY

Section I The authority for the establishment of a planning or sponsor group (group) is in the Board of Supervisors Policy I-1 entitled, "Planning and Sponsor Group Policies and Procedures." Policy I-1 also governs the group's operations.

Section II The purpose of the group is to advise the Department of Planning and Land Use, the Planning and Environmental Review Board, the Zoning Administrator, the Planning Commission and the Board of Supervisors on matters of planning and land use affecting the group's area.

Section III The group is a non-partisan, non-sectarian, non-profit-making organization. It does not take part officially in, nor does it lend its influence to, any political issues.

Section IV Planning group members are not County officials. They are advisors to the Director of Planning, the Planning and Environmental Review Board, the Zoning Administrator, the Planning Commission and the Board of Supervisors only. Such groups are not empowered by ordinance or policy to render a decision of any kind on behalf of the County of San Diego or its appointed or elected officials.

Section V These bylaws may be amended only by action of the Board of Supervisors of San Diego County.

ARTICLE II – MEMBERSHIP

Section I Planning group membership shall be limited to adults (18 years of age or older) who are registered voters living in the pertinent planning area. Sponsor group members appointed after June 3, 1998 shall be limited to adults who are registered voters that either reside within the sponsor group boundaries or own property located within the sponsor group boundaries.

Section II The group is limited to 15 members. Groups shall consist of an odd number of members, determined by the Board of Supervisors, ranging from a minimum of 5 members to a maximum of 15 authorized members. Neighborhood representation by a specific number of members is permitted. Elected and appointed members shall reflect that prescribed ratio of representation.

Section III Membership on planning and sponsor groups shall be for four (4) years. Numbers shall be assigned to all seats. For sponsor groups, the four year term shall expire on the first Monday after January 1, in the following years:

- a. for even numbered seats: 2003, and each fourth year thereafter;
- b. for odd numbered seats: 2001, and each fourth year thereafter.

Appointees to vacancies shall serve out the full unexpired term of the vacant seat.

Section IV Candidates for vacancies occurring in the membership of the group must meet all the requirements for membership, as set forth elsewhere in this Policy. Vacancies are filled in accordance with the group's Standing Rules. If there are no applicable Standing Rules, vacancies are filled from the list of candidates in the election in order of the number of votes they received; and if no list exists, volunteers may be accepted. Confirmation of the candidate from an Election list or of a volunteer shall be by majority vote of the remaining members of the group. Only upon appointment by the Board of Supervisors can the new candidate assume the responsibilities of membership.

The process of filling vacancies shall maintain neighborhood representation if applicable. In addition, appointments to planning groups and sponsor must be made to a specifically numbered seat.

Solicitation for candidates to fill vacancies may be made in the notices of meetings published in a local paper.

ARTICLE III – DUTIES

Section I The group conducts such business and takes such actions as are necessary to accomplish its purpose as defined in Article I, Section II, of these bylaws.

Section II The group solicits comments from all citizens regarding all aspects of their planning duties. Project proponents must always be advised in advance when their project is an agenda item for discussion and possible action.

Section III Group chairs are encouraged to meet collectively from time to time with the Chair of the County Planning Commission to discuss community planning and regional planning issues and to advise the Planning Commission on planning matters.

Policy I-1 - Planning and Sponsor Group Policies and Procedures (Continued)

Section IV Annually each member must attend at least one session of the training workshops normally conducted yearly. These workshops usually consist of three sessions each.

ARTICLE IV – OFFICERS

Section I The election of officers is a responsibility of group membership and is governed in accordance with the Group's Standing Rules. If there are no applicable Standing Rules, the following Sections II through VI apply.

Section II The group elects from its members the following officers: Chair, Vice-Chair and Secretary. Officers shall be elected annually upon nomination by members of the group or by a slate of nominees prepared by a nominating committee. A majority vote of the authorized membership is required to elect officers. Newly elected officers shall take office at the end of the meeting during which they were elected.

Section III If an office is vacated, the Chair will temporarily appoint a member of the group to fill the vacancy until a new officer is elected. Such election shall be held within 30 days of the vacancy.

Section IV The Chair provides general supervisory guidance to the group and presides over all its meetings. The Chair assigns coordinating duties to the Vice-Chair as necessary. The Chair is the sole official spokesperson for the group unless this responsibility is delegated in writing or otherwise established by majority vote of the group. The Chair may vote on every motion put before the members.

Section V In the absence of the Chair, the Vice-Chair assumes the duties and responsibilities of the Chair. The Chair may create a file of correspondence during his or her tenure. At the end of the Chair's term, this file shall be added to the correspondence file maintained by the secretary.

Section VI One person may be elected secretary or the responsibilities may be rotated among the group's membership. However, regardless of the number of people who serve as secretary, the following functions must be carried out. The Secretary records the minutes of all group meetings and maintains a file of all group correspondence. The Secretary keeps the roll, certifies the presence of a quorum, and keeps a record of actions as they occur at each meeting. If the group meets regularly once a month, minutes and agendas shall be sent to the Department of Planning and Land Use at least two weeks in advance of the next meeting; if the Group meets regularly twice a month, minutes and agendas must reach the mail out clerk of the Department of Planning and Land Use eight days prior to the next meeting. Minutes shall record the motions and the names of those who make and second motions if seconds are required. Likewise, the minutes shall indicate which members voted against, or abstained from voting on a motion. (All planning/sponsor group agendas and minutes are kept on file in the Office of the Clerk of the Board of Supervisors as required by the Public Information Act.) It will be the responsibility of County staff to place published legal advertisements for groups who are involved in Plan Updates. Groups not involved in an Update shall be responsible for placing legal advertisements for group meetings. County staff shall reproduce and distribute the group's meeting notices and minutes to interested parties for a nominal fee.

ARTICLE V – SUBCOMMITTEES

Section I The conduct and membership of subcommittees is a responsibility of the group's membership and is governed in accordance with the Group's Standing Rules. If there are no applicable Standing Rules, the following Sections II through V apply. However, no subcommittee shall include a quorum of the planning or sponsor group.

Section II The Chair shall appoint the chair of all subcommittees (except the nominating subcommittee) and all its members with the concurrence of a majority of the group. There may be standing as well as ad hoc subcommittees. Chairs of subcommittees must be members of the planning and sponsor group. Membership on the subcommittee is open to all interested citizens, but requires nomination by the Chair and appointment by the group. All members of a subcommittee may vote on subcommittee matters. However, at group meetings, only authorized Group members may vote.

Section III The purpose and scope of activities of each subcommittee shall be outlined in writing by the chair of the group upon creation of the subcommittee.

Section IV Each subcommittee chair shall be responsible for keeping records of actions and reports of the subcommittee and shall submit these actions and report to the group on a regular basis. A subcommittee Chair shall not act as a spokesperson of the Group unless authorized to do so in writing as set forth in Article IV, Section IV of these bylaws or as officially designated by the Group as shown in the official minutes.

Section V A coordinating committee comprised of the chairs of each subcommittee may be formed to assemble information from each subcommittee for presentation to the group. The chair or vice-chair of the Group shall be the Chair of the coordinating committee. The coordinating committee may serve in an advisory capacity to the chair on administrative matters.

Policy I-1 - Planning and Sponsor Group Policies and Procedures (Continued)

ARTICLE VI - ORGANIZATION PROCEDURES

Section I Either Robert's Rules of Order or Ray Keesey's Modern Parliamentary Procedures shall govern the operation of the planning group in all cases not otherwise covered by these bylaws. The Group may formulate additional specific Standing Rules which do not conflict with or supersede these bylaws to govern the conduct of its meetings.

Section II All Group voting is on the basis of one vote per person, and no proxy, telephone-canvassed or absentee votes are permitted. Secret ballots are not allowed.

Section III Unexcused Absences: Any member who misses three consecutive monthly meetings, six consecutive twice-monthly meetings, or misses non-consecutively one-third of the total number of meetings in any one calendar year shall forfeit his/her membership. Such forfeiture (i.e., a vacancy) shall be acknowledged by a majority vote of the remaining authorized membership at the next succeeding meeting of the group. Also, by a vote of the majority of the remaining authorized membership, the group may waive recognition of the forfeiture for cause.

This provision may be made more restrictive in the Group's Standing Rules. Such vacated membership will be filled in the manner described in Article II, Section IV of these bylaws.

Section IV All meetings of the Group and its subcommittees are open to the public and are to be held in a public place. Notice of all group meetings shall be placed in a community newspaper at least five days prior to the meeting, if available. In addition, a final agenda shall be posted in a public place 72 hours before the meeting is held. In addition, preliminary notice will be mailed upon request, for which a fee may be charged.

Section V A quorum of the group shall consist of more than 50% of its authorized membership. No vote of the Group constitutes an official position of the Group on matters of planning and land use, unless passed by a majority of its authorized membership, unless otherwise required in this policy. Any action not made in accordance with Policies I-1, I-1A or the Brown Act shall not constitute an official action of the group and shall not be considered by the appropriate hearing body as an official vote.

Section VI Reconsideration of a previous vote is permissible only if pertinent new information is brought to the attention of the group. A vote to reconsider requires a majority vote. If the Group votes to reconsider, then the group may reconsider the project in light of the new information.

Section VII Service on Community Planning Groups is a public trust. Group members must not engage in any activity where there is conflict between their private interests and the public interests of the community represented. Group members are encouraged to avoid situations which could give the appearance of such a conflict. Group members may not use their planning group positions to induce or coerce, or appear to induce or coerce, any person or entity to provide financial benefit to themselves or other entity or person, nor may Group members use information not available to the public to secure private gain for either themselves or their families.

- a. Bribery or Graft. Planning group members shall not solicit, accept or agree to accept anything of value in return for performing or refraining from performing their planning group duties.
- b. Gratuities. Planning group members shall not solicit or accept any gift, gratuity, favor, entertainment, loan or any other thing of monetary value aggregating to \$250 or more, either directly or indirectly, from any person, firm, corporation or other entity which would benefit materially from the outcome of a planning group decision. Acceptance of any such gratuity must be reported under Chapter 7 of the Political Reform Act of 1974 and will disqualify the member from participation in the group's activities related to the person, firm, corporation or entity responsible for the gratuity.

Section VIII Disqualification

No group member shall make, participate in making, or in any way attempt to use his or her position on the planning or sponsor group to influence the making of any decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on:

- a. Any business entity in which the member has a direct or indirect investment worth one thousand dollars (\$1,000) or more;
- b. Any real property in which the member has a direct or indirect interest worth one thousand dollars (\$1,000) or more;
- c. Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the member within 12 months prior to the time when the decision is made;
- d. Any business entity in which the member is a director, officer, partner, trustee, employee, or holds any position of management; or
- e. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the member within 12 months prior to the time when the decision is made.

Policy I-1 - Planning and Sponsor Group Policies and Procedures (Continued)

Manner of Disqualification

When a group member determines that he or she should not make a decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. This determination and disclosure shall be made part of the group's official records.

"Representation of Personal Interests"

A member who is disqualified above may appear before the group in the same manner as any other member of the general public solely to represent himself or herself on a matter which is related to his or her personal interests. 'Personal interests' include:

- a. An interest in real property wholly owned by the member or the member's immediate family; or
- b. A business entity which is either wholly owned by the member or the member's immediate family, or is under the member's sole direction and control or the sole direction and control of the member and the member's spouse jointly."

Section IX Board referrals on specific projects shall be placed on the agenda of the next properly noticed regular Group meeting for discussion and an official action.

Sunset Date

This policy will be reviewed for continuance by 1-1-93.

Board Action

3-6-68	3-8-83 (56)
3-11-68 (93)	3-23-83 (25)
6-23-69 (98)	6-18-85 (54)
3-24-71 (12)	10-2-85 (18)
4-3-74 (30)	2-5-86 (5)
9-1-76 (4)	8-13-86 (5)
1-25-77 (145)	10-14-87 (38)
2-16-77 (23)	7-6-88 (14)
8-23-77 (56)	2-15-89 (5)
9-28-77 (20)	3-27-89 (10)
2-7-78 (103)	4-24-89 (11)
6-27-78 (71)	7-3-89 (5)
10-3-78 (50)	03-11-92 (4)
5-22-79 (130)	05-06-98
1-20-82 (23)	10-02-02 (3)
3-2-83 (29)	

1. Department of Planning and Land Use
2. Registrar of Voters

STATE SIGN INFORMATION

DEPARTMENT OF TRANSPORTATION

DIVISION OF TRAFFIC OPERATIONS
OUTDOOR ADVERTISING BRANCH

Dear Candidate or Committee Member:

As a candidate or campaign worker for either office or a ballot measure, this reminder about State law governing campaign signs should be helpful to you.

Section 5405.3 of the State Outdoor Advertising Act exempts the placing of Temporary Political Signs from normal outdoor advertising display requirements.

A Temporary Political Sign meets the following criteria:

- A. Encourages a particular vote in a schedule election.
- B. Is placed not sooner than 90 days prior to the schedule election and is removed within 10 days after that election.
- C. Is no larger than 32 square feet.
- D. Has had a Statement of Responsibility filed with the Department certifying a person who will be responsible for removing the sign (Attached).

A completed Statement of Responsibility must be submitted to the appropriate District Office according to the county location of the Temporary Political Sign(s). (See attached map for address)

Temporary Political Signs shall not be placed within the right-of-way of any highway, or be visible within 660 feet from the edge of the right-of-way of a classified "Landscaped freeway".

State law directs the Department of Transportation to remove unauthorized Temporary Political Signs and bill the responsible party for their removal. We are calling these provisions to your attention to avoid possible embarrassment to you and your supporters. Please pass this information along to those assisting in your campaign.

If you have any questions, feel free to contact us at the appropriate Outdoor Advertising District Office (See attached map for contact numbers).

Enclosure

STATE SIGN INFORMATION (Continued)

STATE OF CALIFORNIA-BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

DIVISION OF TRAFFIC OPERATIONS
OUTDOOR ADVERTISING BRANCH

STATEMENT OF RESPONSIBILITY FOR TEMPORARY POLITICAL SIGNS

Election Date: ____June ____November Other: _____

Candidate's Name: _____

Office sought or Proposition Number: _____

County where sign(s) will be placed: _____

Number of signs to be placed: _____

RESPONSIBLE PARTY'S:

Name: _____

Address: _____

Phone Number (Include Area Code) _____

The undersigned hereby accepts responsibility for the removal of Temporary Political Signs placed pursuant to Section 5405.3 of the Outdoor Advertising Act for the above candidate or proposition.

It is understood and agreed that any Temporary Political Signs placed not sooner than ninety (90) days prior to the election and/or not removed within ten (10) days after the election, may be removed by the Department and the responsible party will be billed for any associated removal costs.

SIGNATURE OF RESPONSIBLE PARTY DATE

DATE

Mail Statement of Responsibility to the Appropriate District Office according to the **COUNTY LOCATION** of the Temporary Political Sign(s) (See attached map).

**Pages 93 through 96 are the
Sign Regulations for the
State of California and County of San Diego
(and are not available in electronic format).**

**If you would like a complete copy,
please call 858-694-3405.**

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COUNTY SIGN INFORMATION (Continued)

Policy J-5

Purpose

To establish regulations as to the design, construction, and erection of signs in County rights of way.

Background

The State of California Streets and Highways Code, Chapter 5.5, Division 2, provides the authority for the County Road Commissioner to control signs within the County's rights of way. This authority was granted to assist in roadside cleanup and litter removal programs. The County's Strategic Plan includes a Safe and Livable Communities Initiative. County control of signs in County road rights of way helps keep communities safe and livable by enhancing roadway safety and helping communities in the County retain their character.

Policy

It is the policy of the Board of Supervisors that:

A. Permanent Signs:

1. Eligibility/Purpose:

a. Signs are permitted in the County rights of way for the purpose of promoting traffic or public safety. Eligibility for directional signs shall be determined by the Director of Public Works in conformity with those regulations found in Section 4-04.13 of the Caltrans Traffic Manual addressing safety. A denial of eligibility may be appealed to the Planning Commission pursuant to Sections 7200-7206 of The Zoning Ordinance.

b. Public organizations and private organizations, such as bench advertising agencies, are eligible to place transit benches with and without advertising within the County rights of way. However, this policy shall not supersede adopted overlay zones or ordinances (Section 6203(a) of The Zoning Ordinance) which may restrict placement of benches with or without advertising within the County rights of way.

2. Encroachment Permit:

A revocable encroachment permit shall be obtained from the Department of Public Works prior to placement of all signs, benches, shelters, or chairs within the County rights of way.

The County may revoke a permit by giving 30 days notice to remove, in writing, to the permittee. The encroachment permit shall provide that if the sign has not been removed within this period, it may be removed and destroyed by the County at the permittee's expense.

3. Location:

a. Destination and Public Safety Signs:

(1) The location of all signs shall be approved by the Director of Public Works or the Director's representative to ensure traffic safety.

(2) Signs shall not be permitted within 100 feet of traffic signals or within 100 feet of official directional or regulatory signs (stop, speed, parking, etc.) on any street where such signs are located, or closer than 50 feet to transit loading zone signs.

(3) A sign may be placed at every decision point on the route to the destination. A minimum spacing of 60 meters between directional signs should be maintained. If there are more eligible destinations at a given intersection than can be accommodated under the above limitations and 3(a)(5) below, they must compete for signs based on traffic volumes to these destinations. Normally, destination signage is via the route requiring the least amount of time to travel from the nearest state highway. Neighborhood Watch signs are exempt from this subsection.

COUNTY SIGN INFORMATION (Continued)

Policy J-5

(4) Signs shall be installed in compliance with all sections of the Vehicle Code and safety laws.

(5) At locations where three or more directional signs are located within 200 feet, all shall be grouped on single posts and panels not to exceed a total of four destinations.

b. Transit Bench and Transit Shelter Advertising Signs:

The placement of transit benches and transit shelters with advertising signs shall be in compliance with Board of Supervisors Policy J-31 and Section 6203(1) of The Zoning Ordinance.

4. Construction Designs and Material of Signs:

a. Destination and Public Safety Signs:

(1) All signs shall be of permanent, durable materials, such as porcelain and enamel steel or other acceptable construction and of standard size in accordance with Caltrans standards, except community identification signs at the entrances to cities and towns.

(2) All signs shall be of standard material, design, shape, size and color (as approved by the Director of Public Works or a representative).

(3) A 3/8" black border 1/4" from the edge of the sign shall be provided.

(4) Not more than three lines of copy will generally be permitted with a minimum height of 2-1/4" plain capital block lettering, and all signs shall include an arrow at the bottom of the sign to indicate directions.

(5) No seals, emblems, or insignia, nor any other color paint will be permitted on signs.

(6) Posts for signs shall be 4" x 4", S4S, clear redwood, 11 feet long.

(7) Posts shall be painted with one prime coat and two coats of white lacquer enamel. The bottom 48" of the post shall have in addition one coat of black asphalt paint.

(8) The bottom of the posts shall be 2'6" below the ground or sidewalk level.

(9) The sign and post shall be so placed as to minimize the hazard to both pedestrian and vehicular traffic.

(10) The sign shall be attached to the post with two 5/16" galvanized carriage bolts.

b. Transit Bench and Transit Shelter Advertising Signs:

Construction, design and materials for transit benches and transit shelters with advertising signs shall be in compliance with Board of Supervisors Policy J-31 and Section 6203(1) of The Zoning Ordinance.

5. Illegal Signs:

Signs placed in the County rights of way contrary to the above provisions are illegal and will be removed by the County and destroyed. However, any signs existing prior to the adoption of this policy will be posted with a removal notice fastened securely to the sign or billboard to notify the owner the date that this sign will be removed by the County if not removed by owner.

6. Full Cost Recovery

Private parties requesting a sign shall pay all costs of processing, construction and installation by the Department of Public Works.

B. Temporary Election Campaign Signs:

1. For purposes of this Policy, Election Campaign Signs shall be defined as signs for elections conducted by the Registrar of Voters.

COUNTY SIGN INFORMATION (Continued)

Policy J-5

2. Temporary public election campaign posters may be permitted, subject to the following procedures:

a. The Registrar of Voters shall maintain copies of the Board policy relative to election posters and shall issue a copy to each candidate at the time the candidate's petition is issued.

b. In order to prevent a danger to motorists and pedestrians due to confusion and distraction, which may be caused due to the posting of signs in certain locations where they compete with traffic safety signs or interfere with visibility, it shall be necessary to obtain a revocable Encroachment Permit from the Director of Public Works.

(1) The maximum size of a poster shall be four square feet.

(2) The poster shall (on the back) identify the Encroachment Permit number.

(3) No sign shall be placed in the right of way earlier than 90 days prior to an election.

(4) The permit shall require the signer to obtain permission to place any signs on or attached to the property of others, and shall provide that the permit shall be revoked if the permittee uses the property of others without their permission. Nothing in the permit shall be taken to imply County permission to place signs on property of others.

(5) The permit shall require the permittee to remove his/her signs within two weeks after the election for which the permit was issued, and shall authorize the County to remove, without notification, signs not so removed by signer.

(6) In each instance and under the same conditions as the Policy permits temporary campaign signs, a sign containing a non-commercial message and constructed to the same physical dimensions and characteristics shall be permitted.

(7) The County shall charge for sign removal and the permittee shall, in signing his/her permit, agree to pay for County cost of removal of his/her signs.

Sunset Date

This policy will be reviewed for continuance by 12-31-09.

Board Action

10-18-65 (9)

County Engineer Letter 1-14-66

01-25-66 (86)

06-23-69 (98)

07-24-79 (41)

10-6-82 (56)

12-4-84 (14)

07-26-88 (43)

12-12-89 (49)

05-18-94 (3)

07-14-99 (4)

05-15-02 (3)

09-18-02 (5)

06-18-03 (9)

06-23-04 (12)

CAO Reference

1. Department of Public Works

2. Department of Planning and Land Use

SIGN INFORMATION (Continued)

SIGN ORDINANCES

Information on sign permits or complaints about illegal signs can be obtained from the numbers listed below.

INCORPORATED CITIES		
CITY	DEPARTMENT	TELEPHONE NUMBER
CARLSBAD	Sign Permits - Planning Department	(760) 602-4610
	Sign Complaints - Code Enforcement	(760) 602-2703
CHULA VISTA	Planning Division	(619) 691-5101
CORONADO	Community Development	(619) 522-7328
DEL MAR	Planning/Code Enforcement	(858) 755-9313 Ext. 171
EL CAJON	Planning Department	(619) 441-1741
ENCINITAS	Code Enforcement	(760) 633-2685
ESCONDIDO	Code Enforcement	(760) 839-4650
IMPERIAL BEACH	Planning Department	(619) 628-2345
LA MESA	Planning Department	(619) 667-1177
LEMON GROVE	Community Development Department	(619) 825-3805
NATIONAL CITY	City Clerk	(619) 336-4228
OCEANSIDE	Code Enforcement	(760) 435-3963
POWAY	Planning Department	(858) 668-4600
SAN DIEGO	Sign Regulations and Permits Development Services	(619) 446-5200
	Sign Violations Neighborhood Code Compliance	(619) 236-5500
SAN MARCOS	Code Enforcement Office	(760) 744-1050 Ext. 3105
SANTEE	Sign Permits Planning Department	(619) 258-4100 Ext. 152
	Sign Complaints Code Enforcement	(619) 258-4100 Ext. 206
SOLANA BEACH	Sign Permits Planning Department	(858) 720-2440
	Sign Complaints Code Violations	(858) 720-2413
VISTA	Code Compliance Division	(760) 726-1340 Ext. 1464
STATE OF CALIFORNIA		
SEE PAGE 91 FOR DETAILS		(916) 654-6473
UNINCORPORATED AREAS OF SAN DIEGO		
SEE PAGE 94 FOR DETAILS		(858)694-2055